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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA v. CARL KRAUCH ET AL. (CASE VI)

AUGUST 14, 1947-JULY 30, 1948

Roll 6

Transcript Volumes (English Version)

Volumes 14-16, p. 4,710(1-285)-5,602

Dec. 18, 1947-Jan. 19, 1948



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INTRODUCTION

On the 113 rolls of this microfilm publication are reproduced the records of Case VI, *United States of America v. Carl Krauch et al.* (I. G. Farben Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs and statements, and defendants' final pleas as well as prosecution and defense exhibits and document books in one language or the other. Also included are minute books, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 43 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-2270 and 2300-2354, are essentially those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, and other sources offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically, along with two groups of exhibits submitted in the general interest of all defendants. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

Minute books, in two bound volumes, summarize the transcripts. The official court file, in nine bound volumes, includes the progress docket, the indictment, and amended indictment and the service thereof; applications for and appointments of defense counsel and defense witnesses and prosecution comments thereto; defendants' application for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Defendants' clemency petitions, in three bound volumes, were directed to the military governor, the Judge Advocate General, and the U.S. District Court for the District of Columbia. The finding aids summarize transcripts, exhibits, and the official court file.

Case VI was heard by U.S. Military Tribunal VI from August 14, 1947, to July 30, 1948. Along with records of other Nuernberg

and Far East war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The I. G. Farben Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weissacker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

Formation of the I. G. Farben Combine was a stage in the evolution of the German chemical industry, which for many years led the world in the development, production, and marketing of organic dyestuffs, pharmaceuticals, and synthetic chemicals. To control the excesses of competition, six of the largest chemical firms, including the Badische Anilin & Soda Fabrik, combined to form the Interessengemeinschaft (Combine of Interests, or Trust) of the German Dyestuffs Industry in 1904 and agreed to pool technological and financial resources and markets. The two remaining chemical firms of note entered the combine in 1916. In 1925 the Badische Anilin & Soda Fabrik, largest of the firms and already the majority shareholder in two of the other seven companies, led in reorganizing the industry to meet the changed circumstances of competition in the post-World War markets by changing its name to the I. G. Farbenindustrie Aktiengesellschaft, moving its home office from Ludwigshafen to Frankfurt, and merging with the remaining five firms.

Farben maintained its influence over both the domestic and foreign markets for chemical products. In the first instance the German explosives industry, dependent on Farben for synthetically produced nitrates, soon became subsidiaries of Farben. Of particular interest to the prosecution in this case were the various agreements Farben made with American companies for the exchange of information and patents and the licensing of chemical discoveries for foreign production. Among the trading companies organized to facilitate these agreements was the General Anilin and Film Corp., which specialized in photographic processes. The prosecution charged that Farben used these connections to retard the "Arsenal of Democracy" by passing on information received to the German Government and providing nothing in return, contrary to the spirit and letter of the agreements.

Farben was governed by an Aufsichtsrat (Supervisory Board of Directors) and a Vorstand (Managing Board of Directors). The Aufsichtsrat, responsible for the general direction of the firm, was chaired by defendant Krauch from 1940. The Vorstand actually controlled the day-to-day business and operations of Farben. Defendant Schmitz became chairman of the Vorstand in 1935, and 18 of the other 22 original defendants were members of the Vorstand and its component committees.

Transcripts of the I. G. Farben Case include the indictment of the following 24 persons:

Otto Ambros: Member of the Vorstand of Farben; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; production chief for Buna and poison gas; manager of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth, and Falkenhagen plants; and Wehrwirtschaftsfuehrer.

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Max Brueggemann: Member and Secretary of the Vorstand of Farben; member of the legal committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine for Pharmaceuticals; and director of the legal, patent, and personnel departments of the Works Combine, Lower Rhine.

Ernst Buergin: Member of the Vorstand of Farben; Chief of Works Combine, Central Germany; Plant Leader at the Bitterfeld and Wolfen-Farben plants; and production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen at these plants.

Heinrich Buetefisch: Member of the Vorstand of Farben; manager of Leuna plants; production chief for gasoline, methanol, and chlorine electrolysis production at Auschwitz and Moosbierbaum; Wehrwirtschaftsfuehrer; member of the Himmler Freundeskreis (circle of friends of Himmler); and SS Obersturmbannfuehrer (Lieutenant Colonel).

Walter Duerrfeld: Director and construction manager of the Auschwitz plant of Farben, director and construction manager of the Monowitz Concentration Camp, and Chief Engineer at the Leuna plant.

Fritz Gajewski: Member of the Central Committee of the Vorstand of Farben, Chief of Sparte III (Division III) in charge of production of photographic materials and artificial fibers, manager of "Agfa" plants, and Wehrwirtschaftsfuehrer.

Heinrich Gattineau: Chief of the Political-Economic Policy Department, "WIPO," of Farben's Berlin N.W. 7 office; member of Southeast Europe Committee; and director of A.G. Dynamit Nobel, Pressburg, Czechoslovakia.

Paul Haeffliger: Member of the Vorstand of Farben; member of the Commercial Committee; and Chief, Metals Departments, Sales Combine for Chemicals.

Erich von der Heyde: Member of the Political-Economic Policy Department of Farben's Berlin N.W. 7 office, Deputy to the Chief of Intelligence Agents, SS Hauptsturmfuehrer, and member of the WI-RUE-AMT (Military Economics and Armaments Office) of the Oberkommando der Wehrmacht (OKW) (High Command of the Armed Forces).

Heinrich Hoerlein: Member of the Central Committee of the Vorstand of Farben; chief of chemical research and development of vaccines, sera, pharmaceuticals, and poison gas; and manager of the Elberfeld Plant.

- Max Ilgner: Member of the Vorstand of Farben; Chief of Farben's Berlin N.W. 7 office directing intelligence, espionage, and propaganda activities; member of the Commercial Committee; and Wehrwirtschaftsfuehrer.
- Friedrich Jaehne: Member of the Vorstand of Farben; chief engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; and Deputy Chief, Works Combine, Main Valley.
- August von Knieriem: Member of the Central Committee of the Vorstand of Farben; Chief Counsel of Farben; and Chairman, Legal and Patent Committees.
- Carl Krauch: Chairman of the Aufsichtsrat of Farben and Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the 4-Year Plan.
- Hans Kuehne: Member of the Vorstand of Farben; Chief of the Works Combine, Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen, and Dormagen plants; production chief for inorganics, organic intermediates, dyestuffs, and pharmaceuticals at these plants; and Chief of the Inorganics Committee.
- Hans Kugler: Member of the Commercial Committee of Farben; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, and Austria; and Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.
- Carl Lautenschlaeger: Member of the Vorstand of Farben; Chief of Works Combine, Main Valley; Plant Leader at the Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystrup, Marburg, and Neuhausen plants; and production chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs, and pharmaceuticals at these plants.
- Wilhelm Mann: Member of the Vorstand of Farben, member of the Commercial Committee, Chief of the Sales Combine for Pharmaceuticals, and member of the SA.
- Fritz ter Meer: Member of the Central Committee of the Vorstand of Farben; Chief of the Technical Committee of the Vorstand that planned and directed all of Farben's production; Chief of Sparte II in charge of production of Buna, poison gas, dyestuffs, chemicals, metals, and pharmaceuticals; and Wehrwirtschaftsfuehrer.

Heinrich Oster: Member of the Vorstand of Farben, member of the Commercial Committee, and manager of the Nitrogen Syndicate.

Hermann Schmitz: Chairman of the Vorstand of Farben, member of the Reichstag, and Director of the Bank of International Settlements.

Christian Schneider: Member of the Central Committee of the Vorstand of Farben; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at Farben plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); and supporting member of the Schutzstaffeln (SS) of the NSDAP.

Georg von Schnitzler: Member of the Central Committee of the Vorstand of Farben, Chief of the Commercial Committee of the Vorstand that planned and directed Farben's domestic and foreign sales and commercial activities, Wehrwirtschaftsfuehrer (Military Economy Leader), and Hauptsturm-fuehrer (Captain) in the Sturmabteilungen (SA) of the Nazi Party (NSDAP).

Carl Wurster: Member of the Vorstand of Farben; Chief of the Works Combine, Upper Rhine; Plant Leader at Ludwigs-hafen and Oppau plants; production chief for inorganic chemicals; and Wehrwirtschaftsfuehrer.

The prosecution charged these 24 individual staff members of the firm with various crimes, including the planning of aggressive war through an alliance with the Nazi Party and synchronization of Farben's activities with the military planning of the German High Command by participation in the preparation of the 4-Year Plan, directing German economic mobilization for war, and aiding in equipping the Nazi military machines.¹ The defendants also were charged with carrying out espionage and intelligence activities in foreign countries and profiting from these activities. They participated in plunder and spoliation of Austria, Czechoslovakia, Poland, Norway, France, and the Soviet Union as part of a systematic economic exploitation of these countries. The prosecution also charged mass murder and the enslavement of many thousands of persons particularly in Farben plants at the Auschwitz and Monowitz concentration camps and the use of poison gas manufactured by the firm in the extermination

¹ The trial of defendant Brueggemann was discontinued early during the proceedings because he was unable to stand trial on account of ill health.

of millions of men, women, and children. Medical experiments were conducted by Farben on enslaved persons without their consent to test the effects of deadly gases, vaccines, and related products. The defendants were charged, furthermore, with a common plan and conspiracy to commit crimes against the peace, war crimes, and crimes against humanity. Three defendants were accused of membership in a criminal organization, the SS. All of these charges were set forth in an indictment consisting of five counts.

The defense objected to the charges by claiming that regulations were so stringent and far reaching in Nazi Germany that private individuals had to cooperate or face punishment, including death. The defense claimed further that many of the individual documents produced by the prosecution were originally intended as "window dressing" or "howling with the wolves" in order to avoid such punishment.

The tribunal agreed with the defense in its judgment that none of the defendants were guilty of Count I, planning, preparation, initiation, and waging wars of aggression; or Count V, common plans and conspiracy to commit crimes against the peace and humanity and war crimes.

The tribunal also dismissed particulars of Count II concerning plunder and exploitation against Austria and Czechoslovakia. Eight defendants (Schmitz, von Schnitzler, ter Meer, Buergin, Haeffliger, Ilgner, Oster, and Kugler) were found guilty on the remainder of Count II, while 15 were acquitted. On Count III (slavery and mass murder), Ambros, Bueteffisch, Duerrfeld, Krauch, and ter Meer were judged guilty. Schneider, Bueteffisch, and von der Heyde also were charged with Count IV, membership in a criminal organization, but were acquitted.

The tribunal acquitted Gajewski, Gattineau, von der Heyde, Hoerlein, von Knieriem, Kuehne, Lautenschlaeger, Mann, Schneider, and Wurster. The remaining 13 defendants were given prison terms as follows:

<u>Name</u>	<u>Length of Prison Term (years)</u>
Ambros	8
Buergin	2
Bueteffisch	6
Duerrfeld	8
Haeffliger	2
Ilgner	3
Jaehne	1 1/2
Krauch	6
Kugler	1 1/2
Oster	2
Schmitz	4
von Schnitzler	5
ter Meer	7

All defendants were credited with time already spent in custody.

In addition to the indictments, judgments, and sentences, the transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty) and opening statements of both defense and prosecution.

The English-language transcript volumes are arranged numerically, 1-43, and the pagination is continuous, 1-15834 (page 4710 is followed by pages 4710(1)-4710(285)). The German-language transcript volumes are numbered 1a-43a and paginated 1-16224 (14a and 15a are in one volume). The letters at the top of each page indicate morning, afternoon, or evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Two commission hearings are included in the transcripts: that for February 7, 1948, is on pages 6957-6979 of volume 20 in the English-language transcript, while that for May 7, 1948, is on pages 14775a-14776 of volume 40a in the German-language transcript. In addition, the prosecution made one motion of its own and, with the defense, six joint motions to correct the English-language transcripts. Lists of the types of errors, their location, and the prescribed corrections are in several volumes of the transcripts as follows:

- First Motion of the Prosecution, volume 1
- First Joint Motion, volume 3
- Second Joint Motion, volume 14
- Third Joint Motion, volume 24
- Fourth Joint Motion, volume 29
- Fifth Joint Motion, volume 34
- Sixth Joint Motion, volume 40

The prosecution offered 2,325 prosecution exhibits numbered 1-2270 and 2300-2354. Missing numbers were not assigned due to the difficulties of introducing exhibits before the commission and the tribunal simultaneously. Exhibits 1835-1838 were loaned to an agency of the Department of Justice for use in a separate matter, and apparently No. 1835 was never returned. Exhibits drew on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events and places mentioned in the exhibits are among the prosecution resources, as are publications, correspondence, and many other types of records.

The first item in the arrangement of prosecution exhibits is usually a certificate giving the document number, a short description of the exhibits, and a statement on the location of the original document or copy of the exhibit. The certificate is followed by the actual prosecution exhibit (most are photostats,

but a few are mimeographed articles with an occasional carbon of the original). The few original documents are often affidavits of witnesses or defendants, but also ledgers and correspondence, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
322	NI 5140	1558	NI 11411
918	NI 6647	1691	NI 12511
1294	NI 14434	1833	NI 12789
1422	NI 11086	1886	NI 14228
1480	NI 11092	2313	NI 13566
1811	NI 11144		

In rare cases an exhibit is followed by a translation; in others there is no certificate. Several of the exhibits are of poor legibility and a few pages are illegible.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichgesetzblatt excerpts, photographs, and other items. The 4,257 exhibits for the 23 defendants are arranged by name of defendant and thereunder by exhibit number. Individual exhibits are preceded by a certificate wherever available. Two sets of exhibits for all the defendants are included.

Translations in each of the prosecution document books are preceded by an index listing document numbers, biased descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. Defense document books are similarly arranged. Each book is preceded by an index giving document number, description, and page number for every exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Defense statements, briefs, pleas, and prosecution briefs are arranged alphabetically by defendant's surname. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 key documents are filmed from which Tribunal VI derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by the minute book, consisting of summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index that notes the

type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is summarized by the progress docket, which is preceded by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of the English-language document books.

The records of the I. G. Farben Case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series, M-936; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the Flick Case, M891; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the IMT at Nuernberg has been published in the 42-volume *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (Washington). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of all 13 trials and sound recordings of the IMT proceedings.

Martin K. Williams arranged the records and, in collaboration with John Mendelsohn, wrote this introduction.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Roll 6

Target 1

Volume 14, p. 4,710(1-285)-4,837

Dec. 18, 1947

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

**CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 14**

**TRANSCRIPTS
(English)**

18 December 1947 pp. 4710(1)-4837

MILITARY TRIBUNALSNurnberg, Germany

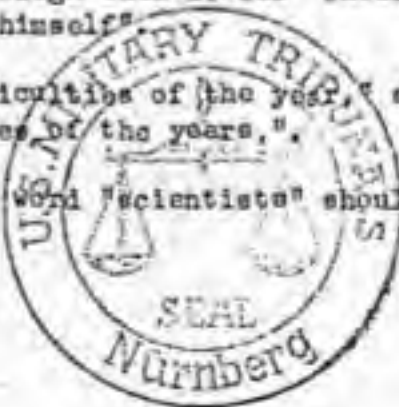
UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)SECOND JOINT MOTION OF THE PROSECUTION
AND DEFENSE TO CORRECT THE ENGLISH TRANSCRIPT

The Prosecution and Defense herewith join in moving that the Tribunal order forthwith that the corrections indicated below be made in the official mimeographed copies of the English transcript:

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3046	4711	20	Delete quotation marks at beginning of line.
3047	4712	17 and 24	"Count 19" should be "Count 18".
3048	4713	7	"interested in being" should be "interested in being".
3049	"	13	"nitrates and buns" should be "nitrates and buna".
3050	"	16	Place comma after "guidance".
3051	4714	16	Place dash after second word "you".
3052	"	31	Delete quotation marks around "wirtschafts-ausbau" "(Economic Development)" should be "(Reich Office for Economic Development)".
3053	4715	18	Place dash after "dollar-a-year men".
3054	4717	16	Change comma to semi-colon after "projects".
3055	"	17	"to assign them itself" should be "to assign them himself".
3056	"	27	"difficulties of the year" should be "difficulties of the years".
3057	4718	32	First word "scientists" should be "scientific".



4710(-1-)

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3058	4719	11	Place comma after first word "Prosecution";
3059	"	27	"differings" should be "sufferings".
3060	4723	29/30/31	Change from "This rebuttal presupposes" in line 29 through "Third Reich;" in line 31 to read "For this rebuttal, especially for the fact that my client was not in a position to prevent wrong, not to mention that he himself did not cause such wrong, plays a final decisive role the fact of the political and social set up of the Third Reich;".
3061	4724	1	Place comma after first word "is".
3062	4726	title	Delete the title "Opening Statement Schmitz".
3063	4726	6	Sentence beginning with last word in line "Hitler" should begin as follows: "Without this cooperation," namely the cooperation of industry, "Hitler
3064	"	18	Capitalize the word "Tageblatt".
3065	"	21	Second word "in" should be "on".
3066	4727	3	"though by them" should be "thought by them".
3067	"	25	"presumptions" should be "presumptious".
3068	"	45	First word "researches" should be "researchers".
3069	4730	10	"are not directed" should be "were not directed".
3070	4731	4	Change comma to semi-colon after "aggression".
3071	"	5	Change comma to semi-colon after "spoliation". "Count II" should be "Count III".
3072	"	16	Place dash before and after last three words "this is important".
3073	"	18	Place comma after "number 10". Delete comma after "accessories".
3074	4732	9	Last word "Hitler's" should be "the".
3075	"	10	Insert "by Hitler," after "industry".
3076	"	16	Delete "3.) b." at beginning of line.

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3077	4732	27	Insert "on 24 November 1947 in the Flick case" after "Taylor's objection".
3078	"	31	First word "although" should be "since". Last two words "they were" should be "who were".
3079	4736	8	"construction" should be "constriction".
3080	4738	32	"serial warfare" should be "aerial warfare".
3081	4740	2	Change second word "are" to "so".
3082	4742	28	Change semi-colon to comma after first word "law".
3083	4745	1	"of a will" should be "of all will". Delete last three words "from this resulting".
3084	"	2	Change "strength and power led Hitler," to read "the strength and power resulting from this led Hitler,".
3085	"	3	Place comma after "Tribunal".
3086	4751	4	"in so far as the" should be "in so far to the".
3087	4752	17	Insert "would" after "economically".
3088	"	18	Delete first word "would".
3089	4758	5	Third word "imply" should be "incriminate".
3090	4763	10	Place comma after "Hoerlein".
3091	"	11	Delete comma after first word "year".
3092	"	23	Change "in the second contract" to read "in connection with the second contract, Exhibit 1275, NI-5611,".
3093	4765	8	Change semicolon to comma after last word "Hoerlein" and add "that" at end of line.
3094	4766	28	Last word "paris" should be "pares".
3095	"	31	"Pharmaceutic" should be "Pharmaceutical".
3096	4767	Pagination	Change "4867" to "4767"
3097	"	25	Insert "Exhibit 1520, NI-9811," after "affidavit,".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3098	4768	21	"in inconvenienced" should be "be inconvenienced".
3099	"	31	Last two words "it supervisory" should be "its supervisory".
3100	4770	27	Change comma to semi-colon after "presented".
3101	4772	32	Place single quote before "he is now" and delete quotation marks after same.
3102	4773	1	Place single quote at end of line after "camps."
3103	"	2	Change quotation marks to single quote before "as you can imagine".
3104	"	4	Place single quote before quotation marks after "preparation".
3105	"	11	Insert "also" after "as I have".
3106	4774	20	Last word "on" should be "in".
3107	4775	26	Quotation ends with first word "Typhus" in line 26. Remainder of line beginning with "no evidence" and following lines to bottom of page are not a quotation and should not be indented.
3108	4776	1-7	Not a quotation. Should have regular page margins. Should not be indented.
3109	"	8	"sentence," should be "sentences,".
3110	4782	11	"which it hoped" should be "which it hoped".
3111	4783	30	Change period to comma after "rubber".
3112	4785	19	"have looked" should be "have locked".
3113	4789	16	Last word is "were".
3114	"	20	Last word is "industrialists".
3115	4790	6	Insert "this" after first two words "by which".
3116	"	15	Add "of" at end of line after "effectiveness".
3117	"	20	Last word is "most".
3118	"	24	Last word is "its".
3119	4792	5	Change entire line to read "introduction of foreign workers, did all they could to make the lot of the foreigners entrusted to them by law and the authorities as good as possible. I".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3120	4792	25	Delete first two words "submitted yesterday". Insert "submitted yesterday" after "Defense".
3121	"	30	Add "the" at end of line after "sphere of".
3122	4793	8	Add "far" at end of line after "so".
3123	4794	8	Insert "in 1938" after "annexed itself".
3124	"	10	Insert "for the period 1938 to 1945" after first word "falls".
3125	"	11	Add "this regulation" at end of line after "the privileges of".
3126	"	12	Change entire line to read "a conception which the authors of this regulation had not thought of and which portends the issue of international law since in every war, every state".
3127	4795	26	"take any effect" should be "have any effect".
3128	4796	13	Delete "the" before last word "peace".
3129	"	24	First word "survivine" should be "surviving".
3130	4797	7	Delete "either" after "24 hours".
3131	"	24	Delete first word "anyway".
3132	"	29	Delete "In as much as" at beginning of line and begin sentence with "The Defense".
3133	"	30	Change "this matter this will only be the case in connection" to read "this matter only in connection".
3134	4799	15	Change "had been submitted to him" to read "had been turned over to him".
3135	4801	24	Second word "Now" should be "New".
3136	4803	29	"causes by them." should be "caused by them."
3137	4805	16	Last word "Puadin" should be "Fuadin".
3138	"	22	Last word "treaties" should be "treatises".
3139	4807	title	Delete title "OPENING PLEA AMBROS".
3140	4809	17	"is the synthetic" should be "whether the synthetic".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3141	4809	18/19	Insert "is" after first word "product" in line 18. Delete parentheses around "can be answered in the affirmative".
3142	4813	7	"Brentosil" should be "Prontosil".
3143	4814	23/24/25	Delete as repetition "he advanced until he finally took over, together with his colleague Schneider, the entire management of the Leuna plant;".
3144	4815	3	"with I.G." should be "within I.G."
3145	"	24	Change period to comma at end of line after "currency".
3146	4816	4	"leadership" should be "leader".
3147	4818	9	Delete third word "has".
3148	4820	4	"Economic Group" should be "Economic Groups".
3149	"	6	First word "projects" should be "project".
3150	4821	27	First word "allegations" should be "allegation".
3151	4826	11	"definit" should be "defining".
3152	4827	3	Delete quotation marks at beginning of line before "The only".
3153	4828	13	Last words "that is" should be "that it".
3154	4829	25	Delete comma after "from him". Next word "informations" should be "information".
3155	4840	5	"is therefore case," should be "is therefore cast".
3156	4842	Pagination	Change "4942" to "4842".
3157	"	32	"with its implementary" should be "with their implementary".
3158	4847	8	Change "Russian abstention" to "Russian counter-order".
3159	"	10/11	Delete "and therefore".
3160	4848	1	Delete comma after "gains".
3161	"	28	Delete comma and "and" after "take place".
3162	4850	18	Insert "as" before last two words "not to".
3163	"	27	Delete "responsible" before "Organs".
3164	"	28	Delete comma after "Soviet Union". Change following words "inconjunction with" to "responsible for".

Item No.	Transcript page	Line(s)	Proposed Correction
3165	4850	29	Change entire line to read "the prerequisites embedded in clauses of so-called".
3166	"	30	First word "offense" should be "offenses". "as it has been" should be "as have been".
3167	4851	8	Change entire line to read "which had ordered that the question of the guilt of the Soviet Union could".
3168	4852	15	Delete "the" before last word "Farben,".
3169	"	19	First word "mean" should be "men".
3170	4855	8	"In regard to the" should be "In view of the".
3171	"	9	Change "and w. With regard to my" to read "and 3, in view of my".
3172	"	13	"in the case" should be "in case".
3173	"	14	"But in this case," should be "But in that case,".
3174	"	15	Delete "on" after "later".
3175	4857	1	First word should be "monstrous".
3176	"	6	Delete period after first word "accusations" and also next word "But".
3177	"	11	"to gange" should be "to gauge".
3178	"	17	Insert "some" after "the fact that".
3179	"	19	"these members" should be "those members".
3180	4858	17	Delete comma after second word "ground".
3181	"	18	"ever person" should be "every person".
3182	4860	9	Delete semi-colon after "Germany".
3183	"	27	"were passed," should be "were passed by,".
3184	4862	25	Delete comma after first word "machine".
3185	4863	19	"enough provided" should be "enough be provided".
3186	"	29	Insert "argument" after "substantial".
3187	4864	1	"every employed" should be "every employer".
3188	"	13	"French workers" should be "French worker".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3189	4864	18	"a war feeling" should be "a warm feeling".
3190	4866	9	"(Volkswirtschaft die Abteilung)" should be "(Volkswirtschaftliche Abteilung)".
3191	"	10	Change comma to semi-colon after "NW 7".
3192	"	15	"bourse" should be "course".
3193	"	25	"to custain" should be "to sustain".
3194	"	27	"Dr. Mer Ilgner" should be "Dr. Max Ilgner".
3195	4867	24	Add "doubt." followed by quotation marks after last word "reasonable".
3196	4868	17	"and quote" should be "and I quote".
3197	"	18	"the flaring" should be "the blaring".
3198	"	21	Insert "Under the direction of this man was" before "the management" at beginning of paragraph.
3199	4869	4	"Magnus Alesander" should be "Magnus Alexander".
3200	"	9	"Volkswissenschaftliche" should be "Volkswirtschaftliche".
3201	4870	3	"it won't" should be "there wan't".
3202	"	18 and 20	"Voni" should be "Vowi".
3203	4871	15	Insert comma, and "the WIPO," after "Policy Department".
3204	4874	12	"this connection" should be "his connection".
3205	4875	14	Delete "as" after "to be just".
3206	"	16	"could maintained" should be "could be maintained".
3207	4877	10	"in the mean of the Indictment" should be "in the meaning of the Indictment".
3208	"	19	"efficacious medicine" should be "efficacious medicines".
3209	4878	6	"were carried" should be "are carried".
3210	"	8	second word "received" should be "receive".

Item No.	Transcript page	line(s)	PROPOSED CORRECTION
3211	4880	28	"also inducted" should be "also included".
3212	4881	13	"independent" should be "independence".
3213	4882	7	"in hospital" should be "in the hospital".
3214	"	25	"but further processing" should be "with further processing".
3215	4883	4-12	Delete lines 4 to 12 inclusive.
3216	4885	19	"was very very active" should be "was very active".
3217	4887	8	Second word "purpose" should be "purposes".
3218	4889	2	"Riga-Konto" should be "Riga-Kontor".
3219	"	27	Complete the paragraph with following sentence: "I shall prove that through this contract with Rhone-Poulenc, the sovereignty of this French firm was in no way limited."
3220	4890	7	Insert "in their" after "the circumstances".
3221	4893	8	"to the event" should be "to the events".
3222	4894	16	"the development in price" should be "the developments in price".
3223	"	17	"as result" should be "as a result".
3224	4895	6	"that facts" should be "these facts".
3225	"	15	"decision taken" should be "decisions taken".
3226	4896	30	"it its efforts" should be "in its efforts".
3227	4898	22	First two words "by any" should be "by anyone".
3228	4901	22	Place comma after "in 1932 when". Insert comma and "an alliance" after "Prosecution alleges".
3229	4905	1	Insert the following before line 1 of this page: "I will prove, your Honors, that Dr. Wurster was a stranger to the".
3230	4906	5	"facial superiority" should be "racial superiority".
3231	4910	6	Delete comma after "a fellow lawyer".
3232	"	7	Insert comma after "in exile".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3233	4910	25 to 31	Do not indent. Not a quotation.
3234	4911	1 to 12	Do not indent. Not a quotation
3235	"	15	Place comma at end of line after "application that".
3236	"	16	Place comma after "Secret Treaty".
3237	4912	14	"with Count" should be "with this Count".
3238	4914	21	First word "supplied" should be "supplies".
3239	4915	7	Last word "spote" should be "spot".
3240	"	9	Insert "the direction" after "to hand over".
3241	4917	29	"as Auschwitz" should be "at Auschwitz".
3242	4918	12	"of course" should be "of courses".
3243	"	22	"5-70 %" should be "50-70 %".
3244	4921	11	Change "example another, makes in" to read "example that a former concentration camp prisoner, who is a Jew, makes in".
3245	"	17	Place quotation marks after "Gestapo."
3246	"	22	Place quotation marks at end of line after "formality..."
3247	"	28	Last word "Kopos" should be "Kapos".
3248	4922	31	Delete quotation marks before "Finally".
3249	4923	17	Delete "Q.". Place quotation marks at beginning of paragraph before "The labor".
3250	4924	1	Place quotation marks at beginning of line before "I even".
3251	"	16	Place quotation marks at beginning of line before "To sum up".
3252	"	28	Add "in" at end of line after "I.G. Farben".
3253	4925	31	Insert "to find" after "by all means".
3254	4927	3	Third word "Freugently" should be "frequent".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3255	4927	7	Insert "was" after "my coming".
3256	"	15	"Control Committee" should be "Central Committee".
3257	"	24	Place semi-colon after "I.G. Farben".
3258	4928	7	Delete quotation marks before "Farben".
3259	4929	8	Insert "in" after "I.G." and before "which".
3260	4930	19	"what is asserted" should be "as is asserted".
3261	4933	11	Insert "I" after "at all events" and before "consider".
3262	"	32	Delete comma after "point of view".
3263	4934	31	First word "defendant" should be "defendants".
3264	4935	3	Change comma to semi-colon after "1933".
3265	"	6	Delete comma after "Proofs" and place it after following word "that".
3266	4936	9	"knowledge of" should be "knowledge or".
3267	4937	5	"with the concept" should be "with their concept".
3268	4938	26	Place comma after "Prague". Also one after "Wehrmacht".
3269	4942	10	"could see if." should be "could see it."
3270	4943	9	Delete "have" after "German nationals".
3271	"	11	"my client had done." should be "my client did."
3272	4946	16	"witness." should be "witness Amend."
3273	4947	19	"the Prosecution is" should be "the Prosecution's".
3274	"	32	"the Prosecution has no position at this point." should be "the Prosecution takes no position on this point."
3275	4948	1	Change entire line to read "If the Defense does not need them here, the Marshal may excuse".
3276	"	13	Insert "were" before "contemplated".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3277	4949	8	Delete "it" before "is being" at end of line.
3278	4950	7/8	Change "therefore" to "that".
3279	4956	11	Change "since," to "and,".
3280	"	12	"he is not able" should be "my client is not able".
3281	"	15	Change "he can change his mind in" to read "after this discussion he may wish to make a final definite proposal in".
3282	"	22	"How, our proposal" should be "Now, our proposal".
3283	4959	31	"The Anorgana" should be "Concerning Anorgana".
3284	4961	10	Delete first word "Gesellschaft". "page 6" should be "page 4".
3285	4963	15	Delete "which" after "list".
3286	"	28	Insert "and" before "Schoenebeck".
3287	"	31	"both is the same" should be "both are the same".
3288	4965	28/29	"Verkaufsgesellschaft" should be "Verkaufsgemeinschaft".
3289	"	29	Delete entire line except last word "the".
3290	"	31	Add "the Ruhrorter" at end of line after "Dehrn;".
3291	4966	23	First word "propered" should be "prepared".
3292	4967	31	First word "me" should be "you".
3293	"	32	Delete comma after "1945". Change second word "regarding" to "on".
3294	4968	5	"the direct participations" should be "the indirect participations".
3295	4969	3	Insert "that you compiled" after "the compilation".
3296	"	4	Delete "that you compiled".
3297	"	5	"that that list" should be "that your compilation".
3298	"	7	"of the direct" should be "of both the direct".

Item No.	Transcript pages	Line(s)	PROPOSED CORRECTION
3299	4969	23	Last two words "to have" should be "to be".
3300	"	24	Delete first word "that".
3301	4970	1	Change "containing indirect" to read "which contains the indirect participations".
3302	4971	1	"Tribunal" should be "Commission".
3303	"	15	After first word "(parti)cipations" insert "and that the source of the indirect participations".
3304	"	15/16	To follow line 15 and before line 16 insert "contains the indirect participations from the Blue Book".
3305	"	20	Place comma after "contained".
3306	"	32	Change line 32 to read "possession of shares of another company, is that it?"
3307	4974	4	"sub-participation" should be "sub-participations".
3308	"	16	"indirect participation" should be "indirect participations".
3309	4975	21	"of that question" should be "of the question".
3310	"	22	"the principles" should be "what principles".
3311	4977	2	The first two words "twice too" marks the end of the paragraph. Next sentence constitutes a new paragraph and new answer and should begin "A. It was".
3312	"	4	Place "Q." at beginning of paragraph before "That is not".
3313	"	5	Add "Gesellschaft" at end of line after "Eigenheim".
3314	"	6	Delete first letter "G".
3315	"	14	Change period to question mark at end of line after "Halle".
3316	"	18	Insert "Merseburg" before "and the Deutsche Grube".
3317	4980	10	Insert "in" after "an inquiry".
3318	"	18	Delete two of the three consecutive "that".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3319	4980	28	Delete "that" before "as to all of".
3320	4981	21	Second word "an" should be "am".
3321	4983	7	Change "Document NI 9540" to read "Document Book 2".
3322	"	27	Delete "it" after "affidavit".
3323	4984	6	"from 1940 I had" should be "from the year 1940 on I had".
3324	4987	31	First two words "and referred" should be "with a reference".
3325	4988	8	Change "the immediate document" to read "the list".
3326	"	11	Last word "it." should be "them."
3327	4989	26/27	"— what I just offered was specifically" should be "— which I just offered were specifically".
3328	"	31	"It is" should be "They are".
3329	4991	11	Insert "that" after "to clarify".
3330	"	25	"of his department" should be "in his department".
3331	4993	11	Delete second word "and".
3332	4994	19	Change "the fact" to "the assumption that the".
3333	4995	23	Last two words "as affidavit" should be "in his affidavit".
3334	"	27	Delete "for identification" after "Exhibit".
3335	"	32	Place period after "wants him" and begin new sentence with "Since".
3336	4996	1	"as of a person" should be "by a person".
3337	4997	5	Place dash after "Mr. Amend,".
3338	"	15	"are ranged" should be "are arranged".
3339	4998	10/11	Change period to comma after "Degesch" and continue sentence with "the Prosecution" in line 11.
3340	"	12	Change first word "being" to "who are".
3341	"	14	"this witness has" should be "that this witness has".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3342	4958	18	"so far only very" should be "so far only for the very".
3343	"	30	Delete "people" after "Mr. Elhou".
3344	"	31	Change period to comma after "Frankfurt" and continue sentence with "that".
3345	4999	5	Insert "the" after "discuss".
3346	"	17	"Degussa" should be "Degesch".
3347	"	18	Place quotation marks at end of paragraph after "concerned."
3348	5000	29	"fo far" should be "so far". Last two words "reminds of" should be "reminded me of".
3349	5001	1	Change "Destauer Werke" to "Degesch".
3350	5001	21	Change comma to semi-colon after "or less".
3351	"	23	Delete "the" after "so-called".
3352	"	25	"Degesch received" should be "Degesch purchased".
3353	"	33	"in Degussa" should be "to Degesch".
3354	5009	32	"they refer to zyklon" should be "they were for, zyklon".
3355	5012	24	"was there any" should be "were there any".
3356	5013	1	Place "DR. TULACK:" at beginning of paragraph before "I should like".
3357	5014	7	"that that question" should be "that question".
3358	5015	11	"four marks" should be "four thousand marks".
3359	5017	6	Change "MR. SPRACHER" to "MR. HOFFMANN".
3360	5020	10	"as to a shorter time" should be "as to whether it should be a longer time".
3361	5023	3	Change first three words "and that that" to read "for a time limit of ten days made by me today".
3362	"	16	Last three words "other similar cases" should be "other cases similar".
3363	5024	7	Add "that" at end of line after "certain".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3364	5027	26	First word "counts" should be "points".
3365	5028	1 and 4	"counts" should be "points".
3366	"	6 and 12	"count 128" should be "paragraph 128".
3367	"	19	"Defense be relieved" should be "Defense can be relieved".
3368	"	21	"counts 131 and 132" should be "paragraphs 131 and 132".
3369	5029	12	Last two words "which ref" should be "which refer".
3370	"	16	Last word of line after "prepared" is "whether".
3371	"	21	"count 53" should be "paragraph 53".
3372	"	24	"the count" should be "this paragraph".
3373	5034	4	"documents on Krauch" should be "document books on Krauch".
3374	5035	2	Change period to comma after "repetitions". Also change "We do not think" to read "but we think".
3375	"	7	Change first two words "give an" to "thus gives on". Insert "the" before last word "basic".
3376	"	12	"use basic" should be "use the basic".
3377	"	21	"ann such difficulties" should be "and such enormous difficulties".
3378	"	22	Delete "it" after "to put up with". "which also" should be "which are also".
3379	"	25-27	Change lines 25 through 27 to read "Moreover, the organization which could furnish the main part of such material, and as it is represented by Farben, virtually no longer exists upon the orders of the Occupational Powers."
3380	5036	7	Change period to comma after "I.G. product" and complete the sentence with "Agfa Pelloro Weissgold, and the picture on the cover of the 1939 edition shows an export merchant."
3381	"	8	Delete entirely first sentence "The 1939 edition deals with export."
3382	"	10	Change "deals with policy, - the general policy of our enterprise." to read "gave a general insight into our enterprise."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3383	5037	26	"were before 1933" should be "was before 1933".
3384	5038	7	"President of State" should be "Secretary of State".
3385	"	8	Delete comma and change "and" to "under" after "Minister of Economics".
3386	"	9	Change first two words "There existed" to read "Especially under the Bruening government there was".
3387	"	30	Add "to" at end of line after "with the offer".
3388	5039	25	Delete entirely "THE PRESIDENT: Very well."
3389	5041	19-20	Change "24 pfennigs, individual cost, production cost, then in case" to read "24 pfennigs production cost, and if in case"
3390	"	22	Change "a profit should be" to read "this sale price was to be".
3391	5043	14	Last words of line "the procurement of labor" should be "labor conditions".
3392	"	16	Last word of line "an" should be "as".
3393	"	30	"as it prevailed" should be "as had prevailed".
3394	"	32-33	Change "machine production" to "motorization".
3395	5046	7	Delete first word "even". Insert "even if" before "There was no rearmament".
3396	"	32	Place comma after "Government".
3397	5047	18	Place comma after "1930".
3398	"	26	Change "procurement of labor" to "labor conditions".
3399	5049	1	Insert the following as a complete line before line 1: THE MARSHALL: The Tribunal is again in session.
3400	5050	1-9	Change this entire paragraph to read as follows: A. In the second paragraph from the end I find: "The companies represented by us have become members of the Compulsory Combine for the Soft Coal Industry as a

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PROPOSED CORRECTION

result of the Ordinance relating to the foundation of industrial compulsory combines within the Soft Coal Industry, dated 28 September 1934 (Reich Law Gazette, Part I, page 863).

"Together with the Director of the Reichsbank, Dr. Deumer, Reich Commissioner of the Compulsory Combine for the Soft Coal Industry appointed by the Reich Minister of Economy and, at the same time, in accordance with the first Ordinance for the execution of the Ordinance mentioned, Reich Commissioner for the joint stock company to be founded, we have assembled here to found the joint stock company mentioned in paragraph" and so on.

3401	5050	21	Insert "which" after second word "company".
3402	"	22	Change "to assume control of the business;" to read "to gain influence on the leading men of the economy;"
3403	"	26	"injectionation" should be "injection of".
3404	5051	6	Insert "for lucrative purposes" before last two words of line "were now".
3405	"	9	Delete period after "business" and continue sentence with "since". "state funds" should be "state tax funds"
3406	5052	6	"the creation of" should be "the publication made by the".
3407	"	20	Change "my time as technical" to read "my time and my work. As technical"
3408	"	21	Change period to comma after "Oppau plant".
3409	"	29	Insert "which always had to remain in contact with me," after "the Krauch Office,".
3410	"	29	"and the Vermittlungsstelle" should be "the so-called Vermittlungsstelle".
3411	"	30	"to contact me" should be "to keep in contact with me".
3412	5053	12	Place comma at end of line after "Statistics".
3413	"	13	This line should read "the Reich Ministry of Economics, or others."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3414	5054	17/18	Place period after "the plants". Change rest of line 17 through first word in line 19 to read "The Vermittlungsstelle knew best the men in charge of the field and sent the inquiries to these men."
3415	"	23	"were avoid," should be "were avoided,".
3416	5055	31	"for treason" should be "for high treason".
3417	"	31	Change entire line to read "simply to send on the inquiry to these offices and to return their answer."
3418	5056	11	Second word "plants" should be "plans".
3419	"	14-15	Change "certain measures in the United States, for the so-called" to read "certain measures were undertaken in the United States, the so-called".
3420	"	22-23	Change "about how unnecessary I considered such plans and work," to read "about it, examined some plans and works of that kind,"
3421	5057	1	Delete semi-colon after "Of course".
3422	5058	16	"in its field" should be "in this field".
3423	5059	14	Delete comma and insert "of" after "representatives".
3424	5061	1	"to that" should be "so that".
3425	5061	31	Change entire line to read "Trade Delegation, and it was planned that I go to Russia".
3426	5067	13	"was imported" should be "be imported".
3427	"	20	"to food import" should be "to import food".
3428	"	23	Add "that" at end of line after "that was"
3429	5068	1	"did one approach" should be "did they approach".
3430	"	4	Delete "for the country" after "foreign exchange".
3431	"	5	"available abroad," should be "available abroad for industry,".

Item N o.	Transcript page	Line(s)	PROPOSED CORRECTION
3432	5068	15	Change "would go a long way towards" to read "would create the possibility of".
3433	5069	21	Change "Bosch agreed with me" to read "Bosch advised me to join it".
3434	5070	4	"that one thought" should be "that they thought".
3435	"	6	Change "that not politicians" to read "that no inexperienced men".
3436	"	25	"new glasses" should be "new gasses".
3437	5071	15-16	Change "metholated spirits which was not very suitable and new ways" to read "methylated spirits, an article which was no longer available in the required quantities, and new ways".
3438	5072	29	"Mc Owen" should be "Mc Gown".
3439	5073	1 and 2	"McOwen" should be "Mc Gown".
3440	"	31	Insert "of the state" after "organization".
3441	5075	1	"which then was" should be "who then was".
3442	5077	15	Change semi-colon to comma after "our studies".
3443	5078	30	"mention rubber where" should be "mention the rubber works combine where".
3444	"	31	"who had" should be "and had"
3445	5081	5	"which had existed" should be "which existed".
3446	" \	6	Delete first word "ever".
3447	"	24	Insert "Memorandum" after first two words "In the". Place quotation marks before "Economic Mobilization" and after "America". Capitalize "Economic" and "Mobilization".
3448	"	27	"more measures" should be "more war measures"
3449	5082	4	"document" should be "documents".
3450	"	7	"of a trade usage" should be "of commercial use".
3451	5083	9	Last word "had" should be "has".
3452	"	10	"they can be used" should be "it can be used".
3453	"	13	Insert "Goering's" before "State Secretary Keerner". Delete "under Goering." before last word "who".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3454	5084	9	Change entire line to read "which would have been able to provide raw materials for the purposes of".
3455	"	10	"general" should be "generally".
3456	"	15	"1936" should be "1937".
3457	5086	8	"datelines" should be "deadlines".
3458	"	9-10	Change "aims as they really were to be reached." To read "aims to be attained."
3459	"	10	"datelines" should be "deadlines".
3460	"	12-14	Change sentence from "During" in line 12 through "Synthetics." in line 14 to read "During the middle of 1933 I saw a complete copy of the reports which at one time Schacht called the 'Bible' for fun, reports which were sent regularly to Goering by the Office for Raw Materials and Synthetics."
3461	"	16	"datelines" should be "deadlines".
3462	"	21	Change "datelines," to "deadline figures,".
3463	"	30	Change "reports." to "fields."
3464	5087	3	"he said that" should be "I said to him that".
3465	"	9	"those instances." should be "other instances."
3466	5089	9-14	Change the whole paragraph to read "In the next few days I examined the plans which had been made before by the Office for Raw Materials and Foreign Exchange and later by the Office for Raw Materials and Synthetics, plans which had been unknown to me before, and after a few days I submitted them to Goering at his request. The report described the development separately in each field, and Goering asked me for my opinion how and when these products could be produced in the quantities mentioned and according to the deadlines."
3467	"	24	Last three words "for the year" should read "which could be reached in the year".
3468	5090	1	Change "crisis" to "prices".
3469	"	11	Change "original" to "production".
3470	"	13	Insert "in 1929" after "when".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3471	5090	27	"20 pfennigs" should be "28 pfennigs".
3472	"	29	Insert "and" before "under these auspices".
3473	5091	6	Place period after "argument" and begin new sentence with "In the field".
3474	"	7	Delete comma and "where" after "Buna".
3475	"	21/22/23	Change entire sentence beginning with "He said that" to read "He said that he had assured Hitler that these figures could be reached in the year 1940 mentioning the well-known Four Year Plan, and that he had always been supported by the figures which had been given."
3476	5092	1	Delete "A." at beginning of line
3477	"	9	Complete sentence ending with "for expansion." to read as follows: "for the expansion which was absolutely necessary for the material battles which had begun at that time." The rest of the paragraph remains unchanged.
3478	"	15/17	Change lines 15, 16, and 17 to read "my opinion since otherwise I should have known in quite another degree the requirements of the nitrogen industry which had to supply the main product for powder and explosives, that is, nitric acid."
3479	"	19	Insert "and the annual figures concerning the deliveries to the powder and explosives factories." after "from the nitrogen industry" as part of the same sentence.
3480	"	22	"year 1928" should be "year 1938".
3481	"	26/27	After line 26 and before line 27, insert "It included the fields of mineral oil, Buna, light metals, powder, and explosives."
3482	5093	6	"of 1939 and '39" should read "in the years 1938 and 1939".
3483	"	19	"What was" should be "That was". Delete question mark after "oil".
3484	"	23	"10,000 tons" should be "20,000 tons". Delete "Utopian"
3485	"	24	Delete comma and insert "for one year," after "rubber".
3486	"	25	Change "in the case of Buna for oil" to read "in the case of oil".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3487	5096	4	Second word "was" should be "were".
3488	"	25	Insert "on my part" after "interference".
3489	"	31	Place comma after "such materials".
3490	5097	17	Place quotation marks before "There must be".
3491	"	21	Delete quotation marks at end of paragraph.
3492	"	26	Place quotation marks after second word of line "decision".
3493	5099	2	"to include" should be "to conclude".
3494	"	14-15	Change "to make expenditures" to read "to give orders".
3495	5101	7/8	Change end of paragraph from "and that the plan" to read "which was not under me. But I simply had to calculate with these allotments and the plan was regulated accordingly."
3496	5103	5	"That was" should be "He was".
3497	5104	18-19	Change "and it was decided" to "and decided".
3498	5105	1 and 3	Change "bricks" to "quotas"
3499	"	4	Change "Planning Office which had" to read "Planning Office to which the required quotas had to be submitted, and which had".
3500	"	26	"Exhibit 483" should be "Exhibit 463".
3501	5106	5 and 7	"armament industry" should be "Armament Ministry".
3502	"	29	Delete last word "is"
3503	"	30	Change first word "satisfied" to "states". Place quotation marks at end of line after "possible."
3504	5109	21	Change "understanding" to "enterprise".
3505	5110	31	Last two words "to the" should be "of the".
3506	5112	23	Change "industries' coming" to read "the coming of industrial associations".
3507	5113	31	"figures out" should be "figured out".
3508	"	32	Change "of 120,000 tons per month." to read "120,000 tons of iron per month for the field of mineral oil."

Item No.	Transcript pages	Line(s)	PROPOSED CORRECTION
3509	5114	22	Change "Karinhall Plan at the beginning of the war. There" to read "Karinhall Plan. At the beginning of the war, there".
3510	5115	7	"for any" should be "or any".
3511	"	21-22	"connection" should be "bond".
3512	5118 & ff.	7 & ff.	"Reich Office for Economic Expansion" should be "Reich Office for Economic Development"
3513	"	20/21	Change lines 20 and 21 to read "Q. Was that also true for both your positions as Plenipotentiary General for Chemistry and as head of the Reich Office for Economic Development?"
3514	5119	12	Change "I was not a state official." to read "I could only be provisional head because I was not a state official."
3515	5121	23/24	Change sentence beginning with "You say that" to read "Please say briefly what in your opinion was the proportion of the things connected with I.G. in the Four-Year Plan to all the other important projects discussed in the Four-Year Plan?"
3516	5125	28	Insert "to the Ordnance Office. I advised them to do so" after second word "suggestion".
3517	5126	12	"aviation industry" should be "Aviation Ministry".
3518	5128	4/5	"a plant for soft coal." should read "a plant on the basis of soft coal."
3519	5130	32	Last two words "good men" should be "young men".
3520	5133	4	Change "I named Dr. Schacht will probably" to read "I named Dr. Schacht as a witness. Dr. Schacht will probably".
3521	"	7	"any incidents" should be "many incidents".
3522	5134	1	"to them" should be "then".
3523	"	9	Insert "belongs" after "To this circle".
3524	"	13	First word "statement" should be "statements".
3525	"	25	Last word "Learner" should be "Karinhall".
3526	"	27	Delete quotation marks at end of paragraph after "Council."
3527	5135	3-4	Change these two lines to read "Q. Please, what do you have to say about the drafting of this report and about its final contents?"

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3528	5135	6	Insert "a" before "report".
3529	5136	3	"that is, October 1936." should be "and in October 1938."
3530	5137	11	"In the season" should be "In the session".
3531	"	27	Badly typed words after "if we enter" are "the race,".
3532	5139	18	Insert "but" before last word "I".
3533	"	19	"to me now," should be "to me lately,".
3534	"	22	"that the indebtedness" should be "when the indebtedness".
3535	5141	1	"of the state priority." should be "of state rank."
3536	"	19	"I mean the entire" should be "I mean of the entire".
3537	5142	27	"Goering thought" should be "Goering said".
3538	5144	14	Delete "agency" after "OKW"
3539	"	23	Change first word "joined" to "founded"
3540	5145	9	Change last word "previously," to read "in advance,".
3541	5146	11/12	Change "people who treated the development of this problem only from" to read "people who had no insight into the development of this problem and who treated it only from".
3542	5151	28/29	Change these two lines to read "A. For the appointment as Wehrwirtschaftsfuehrer there have been many detailed documents from which one could gather that this was a sort of".
3543	5153	Title	Delete title "AFTERNOON SESSION"
3544	"	10	"Expansion" should be "Development"
3545	5154	5	"dealt principally with" should be "were due principally to".
3546	5162	4	"The chemical industry had been" should be "The Polish chemical industry was".
3547	5164	3	First word, "by" should be "to".

Item No.	Transcript page	Line(s)	Proposed correction
3548	5167	26	"by way of expansion." should be "by way of exchange."
3549	5168	23	Third word "armament" should be "alumina".
3550	"	30	"the A.W." should be "the V.A.W."
3551	5169	2	"after the war." should be "during the war."
3552	"	6	Second word "in" should be "within".
3553	5170	2	"page 89" should be "page 93".
3554	5174	29	"for our cooperation." should be "for their independence."
3555	5175	27	Second word "operation" should be "cooperation".
3556	5176	16	Last two words "for the" should be "from the".
3557	"	17	First word "adoption" should be "adoption".
3558	5177	13/14	"to German industry" should be "for German science".
3559	5178	4	Delete "discussed the subject which".
3560	5179	12	"is treated" should be "will be treated".
3561	5180	31	Insert "skilled" before "labor".
3562	5181	6	Change "and in the course retained" to read "of retaining".
3563	"	7	"to occupy" should be "by occupying".
3564	"	12	"on my agency." should be "from my agency."
3565	5182	4	"Exhibit 754" should be "Exhibit 457".
3566	"	5	"page 199" should be "page 196".
3567	5184	31	Insert "page 41 of the English and" after "Volume 22,".
3568	5185	29/30	Change from "of labor" in line 29 and all of line 30 to read "of manpower you were influenced as to the expert suggestions which you had to give?"
3569	5187	20	Change entire line to read "was involved also, which was of course made up of officers of the Army."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3570	5188	5	Change period to comma and insert "after" after "occupied".
3571	"	24/25	Change lines 24 and 25 to read "Q. And is it also correct that you were quite outside of these authorities which were designated as agencies of".
3572	5189	26	Place period after "addition". Change next three words "to him that" to read "I told him that".
3573	"	29	"with a number" should be "of a number".
3574	5190	10	Change "very likely for me to go" to read "very natural for me to have this thought again and to go".
3575	5194	18	Last word "they" should be "you".
3576	5196	19	"I was" should be "it was".
3577	5197	16-18	Change from "they had him" in line 16 through "workers." in line 18 to read "they asked them for the number of workers assigned to construction sites of the Gebechem according to the proper priority rating."
3578	5198	15	Third word "force" should be "forced".
3579	"	31	Last two words "for I" should be "and I".
3580	5199	10	"could find" should read "would be able to find".
3581	"	26	Delete "the dead" after first word "there".
3582	5201	15	"They were" should be "The reason was".
3583	"	20	"these social" should be "the social".
3584	5203	2	Last word "to" should be "or".
3585	"	3	Second word "the" should be "a".
3586	"	27	Change "on the certain stages arrived at" to "on the fixed basis".
3587	5204	7	Change "with social care, the hospitals," to read "with difficulties, because the social installations, hospitals,".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3588	5204	8	Delete "which" after "and so on".
3589	5205	10	"requite" should be "quite".
3590	5206	27	Change entire line to read "Q. Dr. Krauch, tell me what Dr. Androsow in conclusion told you to do, and then you may proceed."
3591	5207	6	Add "the" after last word "under".
3592	5208	31	Delete "in Document 1371" (before last two words "in Document").
3593	5209	10	"if it" should be "it if".
3594	5210	26	Insert "to be " before last word "done".
3595	5211	8	"receive workers" should be "receive replacements".
3596	5212	4	Change first three words "then you say" to "the question for the". Delete "then" before "I understood)".
3597	"	9	"the years production" should be "the yeast production".
3598	5213	1	"Tell me further, besides" should be "You say further, that besides".
3599	"	5	Change entire line to read "if there is not a contradiction here with your assertion that you".
3600	"	10	"potentiary had accompanied" should be "potentiaries of your office had accompanied".
3601	"	11	"that nor your" should be "that not your".
3602	"	20	"tendency" should be "point".
3603	5215	17	"the fact" should be "the fate".
3604	5216	22	"Exhibit 12, page 1287" should be "Exhibit 1287".
3605	5217	27/28	"of 10 March 1941" should be "of 3 October 1941".
3606	5218	20	Change "on you plants on the" to read "by you in the".
3607	5219	15/16	Change "were used for construction rather than production work." to read "were withdrawn from the chemical industry and used for construction of fortifications."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3608	5221	1	Insert "to the best of your knowledge" after "It is your opinion".
3609	"	2	"were only" should be "only were".
3610	"	5	Change "in Auschwitz. I am referring to the well-known" to read "in Auschwitz with the well-known".
3611	"	16	"not being any" should be "there was no".
3612	5223	3/4	Change from "something which" in line 3 through "circumstances." in line 4 to read "and indeed under such circumstances it would be entirely unbearable for the plant manager from a human point of view."
3613	5224	14	Insert "of the Harinball Plan" after "no plant".
3614	5225	8	"planning" should be "construction".
3615	"	28	Insert "on economy, or war economy," after third word "sabotage".
3616	5226	16/17	Delete "with respect to the employment of concentration camp inmates".
3617	5227	5/6	Change line 5 through "quite:" in line 6 to read "To what subject does this paragraph 9 of your affidavit refer:"
3618	"	11	Insert "for" after first word "labor".
3619	"	22	Change period to comma and add "Document Book 72, page 105 of the German." at end of line, after "Exhibit 1420".
3620	5228	3	"meant" should be "mean".
3621	"	5	Change "had reached" to read "had arrived from".
3622	"	28	"the building plant" should be "the third plant".
3623	"	29	Insert "and of the Reich Office for Economic Development." after "G.B. Chem."
3624	"	30	Change entire line to read "carry out the basic negotiations on financial and site questions immediately in order that the plant may be".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3625	5229	7	Change the following: up to ... "this-and-that capacity." to read "up to 150,000 tons per year."
3626	"	15/16	Delete "No, no. You are not getting the right passage."
3627	"	16/17	After line 16 and before line 17, insert the following: A. "The I.G. would at the same time..." Q. No, No. You are not getting the right passage. "The site suggested by I.G. for the third Buna plant, Ludwigshafen, was approved and..."
3628	"	18	Insert "an appropriate site for" after "to find".
3629	5232	12	Third word "yours" should be "yourself".
3630	5234	13	Change "to see to tit" to read "to order".
3631	"	14	Delete "to order".
3632	5236	9/11	Change entire sentence beginning with "By doing so" to read "Because of this, the officials under my jurisdiction had differences of opinion with him who on behalf of the security of the army also urged on the commitments in other plants of the Plenipotentiary General."
3633	5237	13	Insert "that" after "department".
3634	5240	23	"sued" should be "used".
3635	5241	1	Delete period and insert "and that concentration camp inmates are employed there" after "proper way".
3636	5243	32	"smilingly" should be "laughing".
3637	5244	19	"so that they stood" should be "so that the SS men stood".
3638	5246	2	"in this question" should be "on this question".
3639	5247	28	Place quotation marks at end of line after "city".
3640	"	24	"plant" should be "camp".
3641	5248	28	Delete "oil" before "shale".
3642	5249	14	Change "it lay close at hand," to read "it was obvious,".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3643	5254	17	"connection to him," should be "connection with Goering." Delete "of" before "which I knew".
3644	"	18	Delete third word "it".
3645	5257	20	"in recognizing" should be "while recognizing".
3646	5262	23	Delete "Bedarfs to get" and begin sentence with "The Plenipotentiary".
3647	5263	8	"were instigated" should be "was instigated".
3648	5265	14	"the firm's individual recruitment" should be "the firms' individual recruitment of".
3649	5269	25	Delete "and voice his own measures".
3650	"	26	Delete last word "and".
3651	5270	5	Change "lading" to "leading".
3652	"	10	Delete second word "it".
3653	"	26	"plan leader" should be "plant leader".
3654	5271	8	First word "a" should be "the".
3655	"	9	"if it has gotten started" should be "once it got-started".
3656	5273	7	"over organization" should be "higher organization".
3657	"	8	"but its business" should be "and its business".
3658	5274	26	Insert "he" after "and certainly".
3659	5277	20	Insert "what" before "were your duties".
3660	5278	16	"committees and premiums" should be "committees and greniums".
3661	"	17	"industry." at beginning of line should be "supply industry."
3662	5289	22	Change "Just before that." to "Just a moment."
3663	5291	3	Third word "inquire" should be "inquiry".
3664	5292	21	Insert "know" after first word "not".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3665	5293	5	"who mainly had" should be "who mainly had".
3666	5310	26	Change and complete entire line to read as follows: "so that all persons present must have had the impression that Krauch had not followed the orders given by Goering and therefore was responsible for the great damage caused by the air raids."
3667	5311	14	Insert "on a larger scale" after "expert advice".
3668	"	15	Change first three words "and he entered" to "in". Also change "and then the Four Year" to read "as well as in the Four Year".
3669	"	19	Insert "only" after "He could".
3670	"	20	Change period to comma after "expert" and complete the sentence by adding "and therefore not the proper man."
3671	"	25	Insert "and undermining of the fighting spirit" after "sabotage"
3672	5312	23	Change entire line to read "certain big firms, he had a further interest, especially in I.G. Farben,".
3673	5314	2	"whether it fit" should be "whether it fits".
3674	5316	10	Insert "later" after "the witness".
3675	5319	12-27	Delete entirely; repeated more correctly on Page 5320.
3676	5320	23	"there is" should be "there was".
3677	5323	1	First two words "decides questions" should be "decided the questions".
3678	"	21	Change "thought it was a final argument for the Prosecution." to read "thought that the final argument was for the Prosecution."
3679	5325	23	Change "I think it is an element" to "this is a theme, I think,".
3680	5327	1	Place comma after "Czechoslovakia".
3681	5328	14	"to industry or to people" should be "by industry or by people".
3682	5331	12	"to what he though," should be "to what he thought,".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3683	5331	25	"to clam them down" should be "to calm them down".
3684	5332	8	"reached at the time." should be "reacted at the time."
3685	"	27	"what the paper said," should be "what the papers said,".
3686	"	29	"as aggressive" should be "as an aggressive".
3687	5336	30	Insert "In a conference between" before "Mussolini and Hitler,".
3688	5337	1	Delete "was to" before "supply the Italian".
3689	5338	11	Delete last two words "that was,".
3690	"	12	Change "if a plant had refused" to "in case a plant refused".
3691	"	21	Insert "to" after "was committed".
3692	5339	22	"that was" should be "that it was".
3693	5345	26	"I mean another question is whether" should be "I mean it is another question whether".
3694	5352	14-15	Change comma to period after "alone" and delete "he said,".
3695	"	27	Third word "approved" should be "succeeded".
3696	5353	31	Delete dash after "trial" and place dash at end of line after "told me—".
3697	"	32	Change "I am of the opinion that" to read "I am of the same opinion— that".
3698	5354	32	Delete question mark after "construction works" and complete sentence with "of the Schnell Plan?"
3699	5356	12 and 16	Place comma after "That is," in both lines.
3700	5356	22 - 23	Delete "knew this. But not only by virtue of their positions did they have". The following words in line 23, "this sense of responsibility," should be "had this sense of responsibility,".
3701	5361	26	Change last words of line "for which they had" to read "which were of".
3702	5363	22 and 23	Change lines 22 and 23 to read "it, is in order to judge the statement of the Prosecution that Hitler's war purpose had been common knowledge of the German people to know what impression the German".

Item N o.	Transcript page	Line(s)	PROPOSED CORRECTION
3703	5366	15	Delete "of the aggressive intention". Change "German government" to "German people".
3704	5368	23	"into the Army Ordnance Office of Farben," should be "of the Army Ordnance Office with Farben,".
3705	"	29	Delete question mark after "difficulties" and complete the sentence with "from the point of view of your office?"
3706	5372	17	Insert "again," after "examined".
3707	"	19	Change "and that knowledge was not in the presence of the" to read "but this escaped the notice of the".
3708	5373	2	"Production Plant" should be "Production Plan".
3709	5375	4	Insert "in the event of war," after "Navy".
3710	"	5	"had been calculated." should be "were calculated."
3711	"	6	"in the OKW" should be "of the OKW".
3712	"	8	"through the OKW" should be "via the OKW".
3713	"	12	Delete quotation marks after "influence."
3714	"	13	Place quotation marks at end of paragraph after "known."
3715	5380	21	Change last word "that" to "what".
3716	"	22	Delete first word "you".
3717	"	27	"was drawn into" should be "was brought into".
3718	5381	4	"He said" should be "He used". Change period to comma at end of line 4 after "translatable," and complete the sentence by adding the following: "bartered away, meaning a sale under incorrect conditions."
3719	"	9	"Oil contacts" should be "Oil contracts".
3720	"	11-13	Delete as repetition entire sentence beginning with last two words of line 11 "I said" and ending with "German industry." in line 13.

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3721	5381	15	Place comma after "Tribunal" and delete next four words "to that great merchant".
3722	"	16	Insert "that great merchant" before "Fugger".
3723	"	17	Place comma after first word "(noble)men," and delete next word "that".
3724	"	18	Change first word "attitude" to "expression".
3725	5389	8-9	Change entire sentence to read "You must ask me, Dr. Seidl, in comparison to what it was an advantage or disadvantage."
3726	"	10	Change last word "which" to "where".
3727	"	11	Delete last word "there".
3728	"	21	"Correction No. 9:" should be "Correction. It is No. 9:"
3729	"	23	Delete "disapproving" before last word "attitude".
3730	5390	3	Insert "be an argument" after "There would".
3731	5391	30	Insert "in the" before last word "first".
3732	5392	5	Insert "now" after "I remember that".
3733	5395	15	Delete comma and insert "near a river," after first word "possible".
3734	"	31	Last two words "charge of" should be "change of".
3735	5399	11	"Deutsche Anilin-" should be "Badische Anilin-".
3736	"	11-12	Delete "(German Aniline and Soda Factory)"
3737	5401	1	"a modest extent." should be "to a modest extent."
3738	"	16	Insert "of NW 7" after "measures".
3739	"	19	"then get" should be "then to get".
3740	5406	26	"as to the statement" should be "as to whether the statement".
3741	5407	23	Change period to comma after "cases," and continue sentence with "this way out".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3742	5414	8	Second word "because" should be "so that".
3743	"	13-14	Change from "but otherwise" in line 13 through line 14 to read "but for other reasons, I refrained from discussing other subjects."
3744	"	22	Insert "and soap production." after "food purposes".
3745	5416	13/14	Change "that is what I said," to "I meant".
3746	5417	14	Place comma after "technical field,".
3747	5420	14	Delete "there is" after "affidavit" and insert "is" after "Paragraph 4".
3748	5421	19	"this is Number 5." should be "under Number 5."
3749	5422	5	Insert "with the task to feed and clothe these workers" after second word "plants".
3750	5425	17	Insert "caustic soda," after "chlorine,".
3751	"	24	Change "was put in charge of Bitterfeld" to read "because a member of the Vorstand of Bitterfeld".
3752	5426	5	Change "who did the work at that time." to read "who took over the work which was to be done at that time."
3753	5427	2	"information production?" should be "production information?"
3754	"	3	Insert "the so-called Sales Combines," after "primarily". Change "Service Combines" to "Sales Combines"
3755	"	7	Change last word "Service" to "Sales".
3756	"	10/11	Change "to what extent was there" to read "in so far as there was".
3757	"	31	Delete "he was actually the manager of the plant;".
3758	5428	3/4	Change "became manager in the sense of the Labor Law?" to read "took over the position?"
3759	"	5	Add sentence "He then only became the first manager of the plant." after "That is true, yes."

Item No.	Transcript Line(s) page	PROPOSED CORRECTION
3760	5428 15	"(Ex)hibit 38" should be "(Ex)hibit 338".
3761	5430 6	Insert "of the German," after "page 51"
3762	" 16	Change paper "Voelkischer Beobachter", and to read papers, such as the "Voelkischer Beobachter" and others, and
3763	" 22	Delete "had had an order to" and change "reach" to "reached".
3764	" 25	"Was this this case;" should be "Was this the case:".
3765	5431 24	Insert "protective" before "tariff".
3766	" 27	Insert "protective" before "tariffs."
3767	5432 8	"no occasion" should be "no reason".
3768	" 11	"to create" should be "to consult".
3769	5434 30	First word "this" should be "it".
3770	5443 26	Add "of" at end of line after "time".
3771	" 28	Change "for Germany" to "for Goering".
3772	5445 10	Last word "that" should be "it".
3773	5446 10	"was started," should be "was rashly started,".
3774	" 21	Delete "not" before last word "be".
3775	" 31	"that an attack might be" should read "in case an attack was".
3776	5447 22	Insert "when attacked" after "in the East".
3777	5448 7	First word "Nos," should be "Now,".
3778	5449 25	Insert "of which" after "capacity".
3779	" 31	Insert "as" before "you have just said," placing comma after "said".
3780	5452 7	"indicate it" should be "indicate then".
3781	" 19	"You mentioned" should be "you received".
3782	5453 9	"of the Reich Office" should be "in the Reich Office".
3783	" 28	Place comma at end of line after "population,".

Item No.	Transcript Line(s) page	PROPOSED CORRECTION
3784	5453 29	"that I was interested in." should be "in which I was interested."
3785	5457 20	"member in the Continental" should be "member of the Vorstand of the Continental".
3786	5459 9	Change "questions of being out of the Buna position," to read "questions of the Buna production,".
3787	" 16	Change "there were negotiations" to read "Ambros had special negotiations".
3788	5460 27	Change "and that is the reason for because" to read "and one reason is because".
3789	5462 16	Change "question of in case" to read "question if in such a case".
3790	" 17	Change semi-colon to comma after "cross-examination".
3791	" 22	Change "the question of when a party," to read "the question whether it is permitted that a party,".
3792	" 23	Change "should be allowed to ask leading" to read "be asked leading".
3793	" 32	Delete "when" before "a few leading questions".
3794	5463 12	"a time objection" should be "a timely objection".
3795	5464 16	Delete "not from me." and complete the sentence with "and that the decisive order for such measures could only be given by governmental authorities and not by myself."
3795	" 30	Change "with respect to just what you stated" to read "as you stated".
3796	5457 16	Last word in line should be "certainly".
3797	" 20	Change "of the command" to read "of the order".
3798	" 27	"it has been realized." should be "it was realized."
3799	5468 6	"your exam." should be "your examination."
3800	5474 8	Change "of Zyklon persons dealt" to read "of Zyklon we dealt".
3801	" 15	"for a firm;" should be "for our firm;".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3802	5475	9	First word "to" should be "on".
3803	5477	12-13	Change from "that nine thousand" in line 12 through line 13 to read "that of 9,161.6 kilograms delivered in 1942 to all concentration camps, 7,478.6 kilograms went to Auschwitz alone."
3804	"	17	"of the German" should be "to the German".
3805	5478	8-9	"twenty nine thousand odd kilograms" should be "29,775.1 kilograms".
3806	"	21	"11,458.4 kilograms." should be "119,458.4 kilograms."
3807	5479	21	"as the year 1942" should be "of the year 1942".
3808	5480	20-21	Delete as repetition "do you still maintain that after 1942 the Testa was completely independent of Degesch? Witness,".
3809	5484	25	"that was the original" should be "that is, the original".
3810	"	31	"for the English Text?" should be "or the English Text?"
3811	5485	28	Place colon after "38" and quotation marks before "It is in May".
3812	"	30	Place quotation marks after "from us."
3813	5491	7	"Dessay" should be "Dessau".
3814	"	25	"Testa within or without Germany?" should be "Testa both within and without Germany?"
3815	5492	7-8	Delete period at end of line 7 after "recess" and continue sentence with "if this" in line 8.
3816	5497	26	"became of the exhibit;" should be "became of lack of the exhibit;".
3817	5500	24	"many tins" should be "many times".
3818	"	25	Delete "I saw".
3819	5501	2-3	Change lines 2 and 3 to read "A. The men, in so far as they worked close to the openings, all wore gas masks."
3820	"	9	"ordinated from" should be "originated from".
3821	"	23	Last two words "frequently of" should be "frequency of".

Item No.	Transcript Line(s) page	PROPOSED CORRECTION
3822	5502 26	"by the SS." should be "of the SS."
3823	5505 6	"bassing operations" should be "gassing operations".
3824	" 27	"was gassing operations," should be "were the gassing operations."
3825	" 29	Delete "to" before "when he saw,".
3826	5508 6	"be selecting" should be "by selecting".
3827	" 10	"who was" should be "who were".
3828	5509 21	Last two words "to them," should be "for themselves,".
3829	" 22	Change "and you answered —" to read "since in the same moment—".
3830	" 22-23	Insert following sentence after line 22 and before line 23: Q. I asked whether you believe that anyone carried these rumors to the high functionaries of the Party?
3831	" 23-24	Delete last two words "of those" in line 23, and first word "people," in line 24.
3832	" 25	"close entourage of" should be "close to the entourage of".
3833	5512 1	First word "defy," should be "define,".
3834	5515 7	Change and punctuate entire line 7 as follows: "to advise him. The development of these plants, taking".
3835	5524 10	"in the-direct" should be "in the re-direct".
3836	5526 20	Last two words "a document" should be "the documents".
3837	" 21	Change "is relevant, at the opening" to read "are relevant we will offer them at the opening".
3838	" 22	Change comma to period after "pending". Begin new sentence with "We'll".
3839	" 23	Change "of the Defense case, for" to read "of the Defense case in this way, for".
3840	5527 30	Last two words "and adminis(trative)" should be "the adminis(trative)".
3841	5529 6	"did you now," should be "did you not,".
3842	5530 2	Change "That" to "But" before "I must conclude". Delete comma after "letter" and place comma after last word "now,".

Item No.	Transcript Line(s) page	PROPOSED CORRECTION
3843	5534 4	Last two words "industrial measure" should be "internal measure".
3844	5536 8	Change period to comma after first word "occurred," and continue sentence with "if I".
3845	5538 26	Insert "at" before "that meeting". Place comma after last word in line "present,".
3846	5545 1	Insert "workers" after "700,000 planned".
3847	5546 14	"to set up until" should be "to sit until".
3848	5550 10	"Plant" should be "Plants".
3849	5553 18	Delete all of line 18 after first word "people,".
3850	" 26-27	Change "in the case of the Heydebreck document where reference is made to prisoners" to read "Through the Heydebreck document because there the reference is to prisoners".
3851	" 28	Delete "for that purpose" after first word "established".
3852	5556 5	Insert "to" before last word "one".
3853	5557 7	Place comma after "My colleagues," and delete following word "are,".
3854	5561 28	Insert "and from the Central Planning," after "Armament Ministry".
3855	" 29	"food Labor." should be "for Labor."
3856	5562 3	"to receive priority." should be "to be deferred."
3857	5564 14	Last two words "an initiative." should be "my initiative."
3858	5565 3	"ask you to this point," should be "ask you on this point,".
3859	5567 2	"to numbers" should be "the numbers".
3860	" 10	Insert "of Austria" after first word "anschluss".
3861	5568 10	Change comma to period after "Dr. Boettcher" and delete "because my question seems to be justified".
3862	" 16	Insert "effect" after first word "what".
3863	5570 10	Change "Did Mr. Aubert" to read "Did a member of I.G."
3864	" 12	First word "N ordag's" should be "Farben's".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3865	5571	8	Delete "by" before last word "that."
3866	"	9	Change last three words "a single case." to "an exception?"
3867	5572	4	"the power of rights" should be "the Prosecution's rights".
3868	"	7	Last word in line "fresh," should be "agreeable,"
3869	"	8	"have our usual" should be "have your usual".
3870	"	9	Second word "prosecution" should be "defense". Change comma to period after "before" and delete following words "well, we will".
3871	"	12	"the general if objections" should be "the general rules that objections".
3872	"	13	Delete "later" after "shown".
3873	"	14	Insert "later," after "should be made".
3874	"	15	"any precedence, now as far as" should read "any precedents as far as".
3875	"	16	Delete first three words "should be made,".
3876	5574	2	"of it." should be "of itself."
3877	"	13	Last date in line "1931" should be "1913".
3878	5577	5-6	"shows the opinion" should be "justifies his assertion".
3879	"	8	"to prove now Krauch was politically spied upon." should read "to prove how Krauch was politically spied upon."
3880	"	26	First word "insignificance" should be "significance".
3881	"	27/28	Change "and give it its proper character." to read "in the way explained by Krauch."
3882	5578	2	Delete third word "it".
3883	"	5	Delete "they had nothing to do, and that".
3884	5580	9	"Document No. 00" should be "Document No. 100".
3885	5581	10	"these were the documents" should be "these are the documents".
3886	"	29	Insert "the" before "severe measures".

Item No.	Transcript Line(s) page	PROPOSED CORRECTION
3887	5581 31	"by giving" should be "and gives".
3888	5582 4	Add "of Dr. Krauch" after last word in line "collaboration".
3889	5584 7	"as was permissible" should be "than was permissible".
3890	" 12	Change "Varietes in their own plants" to read "Variete actors from the countries of the foreign workers in their own plants".
3891	" 15	Insert "expeditious" before third word "expansion".
3892	" 16	"one would have achieved" should be "one had achieved".
3893	" 24	"have to be created" should be "had to be created".
3894	5585 pagination	Change pagination of page beginning "He said" and ending "in a position" from 5584 to 5585.
3895	" 6	Third word "Wesseling" should be "Brussels".
3896	" 12	Insert "of meat" after "The weekly ration".
3897	" 17	Insert "Krauch" after "attitude of Dr."
3898	5586 3	"B.B.A." should be "G.B.A."
3899	" 5	Change "his associations could not obtain" to read "his delegates could not give".
3900	5587 4	Change "on leave as" to read "on leave more frequently than".
3901	5588 11	"montage firms" should be "mounting firms".
3902	5589 21	"Document Krauch #5-2." should be "Document Krauch # 502."
3903	" 29	"individual status" should be "individual commitment".
3904	5590 10	First word "wind" should be "wine".
3905	" 15/16	Change "directed to the foreign workers," to read "of the Gebechen concerning foreign firm allocation,".
3906	" 28	Insert "disapprovingly" after "the Gebechen states".
3907	5591 6	"Office for Foreign Workers." should be "Office of the U.K. Wesseling."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3908	5591	27	"5ly" should be "515".
3909	5593	7	"523, 524, and 525," should be "523, 524, 525, and 526,".
3910	5594	22	"Whitsundtide" should be "Whitsunday".
3911	5596	9	"Document 55" should be "Document 555".
3912	5597	11-12	"is expressed" should be "as expressed".
3913	"	16	"defence counsel" should be "defendants".
3914	5598	3	Delete "is" after "argument".
3915	"	6	"the difference" should be "a difference".
3916	"	24	"of the Gebechem Comp," should be "of the Gebechem,".
3917	"	28	Change comma to period after "Book VI". Begin new sentence with "As Krauch". Change period to comma after "No. 112,".
3918	5599	9	Delete "Camp" after "Gebechem".
3919	"	17	Insert "with the Garden Construction Association and above all" after third word "on".
3920	5601	18-19	Change from "both of them" in line 18 through line 19 to read "both of them. Both of the other two witnesses whom I wished to call, namely Schacht and the photographer Hoffmann, cannot come; so I shall dispense with Hoffmann, and".
3921	"	20	Delete "submit" before "substitute".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3922	5604	10	"technical and clinical problems" should be "technical-chemical problems".
3923	5605	12	Third word "us" should be "use".
3924	"	20	Delete "as" before "Krauch Document".
3925	5607	3	Change period to comma after "July 1943".
3926	"	8	Last word in paragraph "point" should be "plant".
3927	"	19	Insert "in his direct examination," after "Dr. Krauch".
3928	5608	1	Last word "Wuerttemberg" should be "Schoenberg".
3929	5610	5	"following subjects" should be "following subject".
3930	"	30	Delete "the" before "questions".
3931	5611	10	Change comma to period after "testimony". Begin new sentence with "It would be". Delete "and" after "helpful," and place comma after "I think".
3932	5612	10	"Do you believe to have" should be "Do you believe that you have".
3933	5616	17	"in connection" should be "in this connection". Delete "not" before last word "anticipate".
3934	"	21	"for which a witness" should be "and a witness".
3935	5617	10	"1922 to 1939" should be "1922 to 1936".
3936	"	20	Delete last four words "member of the Aufsichtsrat".
3937	"	21	Insert "in that capacity" after first word "and". Delete "in that capacity" after "Board".
3938	"	22	"Agra" should be "Agfa".
3939	5618	2/3/4	Change lines 2 and 3 to read "the German Zentrum Party without formerly belonging to the Zentrum Party but asked by the party leaders, because of my cooperation as an economic expert and as member of the Praesidium of German Industry in".
3940	"	11	Change line 11 to read "Bank for Industrial Obligations when the first intensive cooperation with foreign".
3941	"	25	"and ideology," should be "and its ideology".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3942	5619	12-13	Change "committees — Kalle Committee," to read "committees, especially the Kalle Committee,".
3943	"	13	Change "with political and economic-political questions;" to read "with important political and economic questions;".
3944	"	29	"The speech in" should be "The well known Silberberg speech in".
3945	5621	2	Insert "of German Industry" after "Reich Association".
3945	5623	15	"If we keep this" should be "if we are to keep this".
3947	5629	5	"the Nazi tide" should be "the Nazi time".
3948	"	11/12	After line 11 and before line 12, insert "Q. And who was it?"
3949	"	22	"denomination" should be "denominations".
3950	5630	17	"Kurt STEche" should be "Kurt Stecher".
3951	"	23/24	"The witness has some question of relevancy with which he can answer," should be "If the witness has something of relevancy to answer,".
3952	"	28	"the question wit in" should be "the question within".
3952	"	31	"do not harm" should be "do no harm".
3954	5631	30	Insert "that" before last word "supported".
3955	5634	8	Place comma and insert "Prelate Knac" after "the Zentrum,".
3956	5635		Pagination-Page numbered 5645 beginning "BY DR. DIX:" and ending "and a lot of things like that." should be renumbered 5635 and inserted between pages 5634 and 5636.
3957	5636	6	"present with" should be "presented with".
3958	"	7	"they have don?" should be "they have done?"
3959	5639	6	Delete "which are before your Honors,".
3960	5641	8	Insert "existed" before last word "up".
3961	"	11	"the status quo: Of" should be "the status quo of".
3962	5642	4	"his tanks" should be "his thanks".
3963	5643	1	"German women" should be "The women".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3964	5643	4	Insert "saw" before "Hitler's picture".
3965	5644	3	Change "you cannot say that. If," to read "you cannot say that visible successes had been reached. But if,".
3966	"	4	"you say that" should be "you saw that".
3967	"	7	Insert "so that" after "German cooperation,".
3968	5645		See under page 5635
3969	5645	23	Delete "to do" before last word "resist".
3970	"	30	Change "trend toward war." to "war economy."
3971	"	31	"technical pretext" should be "technical pretexts".
3972	5646	7	Change comma to period after first word "industry". Begin new sentence with "After speaking". Change period to comma after "plants".
3973	"	8	Place commas after "coordinated" and after "gleichgeschaltet".
3974	5646	9	"of whom the National" should be "who the National".
3975	"	10	Delete "that they" after first word "assumed".
3976	"	17	Change "in addition to these official meetings" to "the representatives of the authorities".
3977	5646	27	"The Grossraum Policy," should be "In this same book. the Grossraum Policy,".
3978	5648	26	"the question of the legality" should be "the question as to the legality".
3979	5649	2	"increased" should be "decreased".
3980	"	3	"Party and Stage" should be "Party and State".
3981	"	12	"latter stages." should be "later stages."
3982	"	18	"time had elapsed" should be "time will have elapsed".
3983	5651	1	Delete "A." at beginning of line (continuation of answer begun on preceding page).
3984	"	7	Change "as represented by Legion and others" to read "with respect to legality, which you mentioned at the beginning of your testimony."
3985	5652	27	Delete "has" before "endeavored".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
3986	5653	13/14	Change "I have not learned whether during the last time, from" to read "For the later time, I learned nothing from".
3987	"	15	First word "party" should be "part".
3988	"	29	"there were" should be "these were".
3989	5654	10	"many people have made" should be "many people made".
3990	5655	25	Last word "Koelhische" should be "Koel-nische".
3991	5658	11	"or whether" should be "of whether".
3992	5659	17	Delete comma after "allocation".
3993	5660	6	Last word "notice" should be "knowledge".
3994	"	24	"on your own body" should be "in your own life".
3995	5661	10	Delete "and one did not want to believe".
3996	5662	25	"Ankete" should be "Enquete".
3997	5664	3	Change "as it was in the case of" to "such as the".
3998	"	23	Add "mentioned before" at end of line after "Gremiums".
3999	"	24	Insert "to independence on a smaller scale" after "the components".
4000	"	29	"A —" should be "A. (Witness nods.)"
4001	5666	22	"organic laws" should be "organic law".
4002	"	23	"our company." should be "our companies."
4003	5668	2	Delete second word "have".
4004	"	5	"to keep" should be "you keep".
4005	5669	3	Change "Mr. Prosecutor" to "Counsel".
4006	"	6/7	Delete "the changes which came about in".
4007	"	8	Delete "had" before "experienced".
4008	"	21	Place "law" at beginning of line before comma.
4009	5670	15	Change period to comma after "transactions", and continue sentence with "either".
4010	5672	5	Delete "in" before "how far".
4011	5676	19	Change "Only now have I learned" to read "I learned for the first time".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4012	5681	20 and 23	"protest" should be "protests".
4013	5684	16	"to reconstrue" should be "to reconstruct".
4014	5687	6	Change period to comma after "on trial", and continue sentence with "then".
4015	5688	16	Last two words "in the" should be "of the".
4016	5692	13	"surprisingly fact," should be "surprisingly fast."
4017	5693	29	Insert "For an expert witness" before "the rules regarding".
4018	"	31	Insert "for" before last three words "any other witness."
4019	5694	15	Insert "for" before "tomorrow".
4020	"	30	Insert "and" before last word "from".
4021	5696	31	"He assume" should be "He assumes".
4022	5697	32	"no mater now" should be "no matter how".
4023	5698	4	"is in the application of the 17th of" should read "is that in the motion of the 17th of".
4024	"	5	"about the consideration" should be "without the consideration".
4025	5699	9	"there affidavits" should be "their affidavits".
4026	5700	3	"may be produced" should be "can be produced".
4027	"	31	"part 01 Count 2" should be "parts of Count 2".
4028	5701	9	Delete period after "that in" and continue sentence with "the".
4029	"	14	Change second word "is" to "may feel".
4030	"	16	"within the right" should be "within its rights".
4031	5703	6	Last word in line should be "concerned;"
4032	5704	18	Last word in line "underneath" should be "under".
4033	5705	3	Insert "or" before last word in line "Count".
4034	5710	21	Last word in line "or" should be "of the".
4035	5711	1	"and which" should be "where we".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4036	5713	26	Add "as to" at end of line after "But".
4037	5714	24	Delete as repetition "and determine whether the Reich Association of Industry".
4038	5716	9	Last word in line "why" should be "war." (followed by period to end the sentence.)
4039	"	10	First word "it" should be "That".
4040	"	17	Insert "into" after "you are getting".
4041	5719	6	Place comma and insert "the defendants," after "these men".
4042	"	21	Add "favor of" after last word in line "in".
4043	"	22/23	Change "I know that in 1933 the Labor Front was created and that it was" to read "I know that the creation of the Labor Front in 1933, directed only by one party, was".
4044	"	23	Delete last word in line "was".
4045	5720	23	"could you" should be "could he".
4046	5721	29	"means of you" should be "mean of you".
4047	"	30	Place quotation marks after "doing this,".
4048	5723	9	Second word "that" should be "what".
4049	5725	4/5	Change from "were the Nazis" in line 4 through line 5 to read "were the people who contributed only Nazis or other people who believed in the Nazi ideology?".
4050	5726	8	"amongst them" should be "amongst these".
4051	5727	4	Third word "that" should be "because".
4052	"	16	Insert "This main committee alternated," as complete sentence before "In Berlin".
4053	"	17	Insert "of British Industry" after "Federation".
4054	5728	19	Delete "A." at beginning of line.
4055	5730	8	"now it was" should be "how it was".
4056	"	18	"there was no agreement," should be "there is no agreement,".
4057	5733	17	"that branch which they have to direct," should be "those branches which they had to direct."
4058	5736	22	"someone reported" should be "someone denounced".
4059	5737	2	"Thorgau" should be "Torgau".
4060	5738	12	"I cannot testify." should be "I can testify."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4061	5740	22	Change "certain company in the Bavarian Bank" to read "certain company, a Bavarian Bank,."
4062	"	25	"and I was" should be "when I was".
4063	5742	2	"the date of Potsdam," should be "the day of Potsdam,".
4064	"	29	"of positions on Aufsichtsrat," should be "of Aufsichtsrat positions,".
4065	5743	4	Delete as repetition "between certain questions".
4066	5743	7	"open aculation" should be "open adulation".
4067	"	9	"do you now?" should be "do you not?".
4068	5744	11	"It was" should be "He was".
4069	"	12	Change "and contracts were" to "an organization contract with".
4070	"	13	"It refused" should be "He refused".
4071	5744	17	"they said 'we have" should be "he said 'I have".
4072	"	21	Insert "I" before second word "went".
4073	5746	14	Delete "even" before "which was brought".
4074	"	20	End question with "after 1933". Begin new paragraph with witness' answer as follows: "A. The Verwaltungsrat of I.G. was fully active after 1933; as far as the Jewish members are", etc.
4075	5747	27	Place comma and insert "that" after "1933".
4076	"	31	Change last two words "ideologies of" to "Party or to the SS did not mean an approval of the directives or the methods of".
4077	5748	28	Change "carries out the efforts" to "does his work".
4078	"	29	"the efforts," should be "their work."
4079	5749	19	Change semi-colon to period after last word "Aufsichtsrat".
4080	5750	10	After line 10 as line 11 should be the following answer of the witness: "A. It was, according to my recollection, the end of March 1933."
4081	5751	4	Change "welcome all" to read "the establishment of all".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4082	5751	11	"Mr. Dix," should be "Witness,".
4083	"	37	Last two words "bad informally" should be "made informally".
4084	5753	17	Insert "so" before last two words "that they".
4085	5755	7	Delete "they" before last word in line "have".
4086	"	9	Last two words "that calendar" should be "the calendar".
4087	5763	21	Delete quotation marks before and after "Zeff-Vertrauensmaenner".
4088	"	23	Change punctuation around "I.G. Verbindungsmaenner" from "I.G. Verbindungsmaenner". to "I.G. Verbindungsmaenner".
4089	5764	12	Delete "a" before "large frozen".
4090	"	23	"I just mentioned," should be "whom you just mentioned."
4091	5768	13/14	Insert "no" before "misunderstanding".
4092	5774	21	"the belonged to" should be "they belonged to".
4093	5775	25	Place comma after first word "him". Also place comma after "Chile".
4094	"	37	Second word "from" should be "form".
4095	5777	26	"Exhibit No. Schnitzler No. 3." should be "Exhibit Schnitzler No. 3."
4096	5778	20	Delete "a" before "school organizations,".
4097	5780	8	Change last word in line "By" to "Because of his".
4098	5781	6	Delete as repetition "had been somewhat of these differences, Mr. Roeder's position".
4099	"	16	"That was" should be "This was really".
4100	"	18/19	Change "that people were doing double work," to read "that a two-fold function was performed,".
4101	"	20	First word "tried" should be "attempted".
4102	5782	3	"Fischer" should be "Birk".
4103	"	9	"probable ones" should be "doubtful ones".
4104	"	10	Last two words "also two." should be "also by two."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4105	5782	25-26	Delete period at end of line 25 after "countries" and continue sentence in next line changing "They were again and again two subjects" to "there were always two subjects".
4106	"	31	Insert "the viewpoint" after "we held".
4107	"	32	Delete "should —" after "during the war".
4108	5783	1	"any further work" should be "anything else".
4109	"	6	Insert "in the last years" after "organization".
4110	"	7-8	Change "of having the workers represented. In regard" to read "of our agencies" representation in regard".
4111	"	14-15	Change "to the auslands organization by mediation of the Farben agency and missions that" to read "to the foreign representatives by mediation of the directors of Farben, missions that".
4112	"	19	Third word "by" should be "from".
4113	"	28	Delete first word "directly,".
4114	"	30	Delete "when we" before last two words "had objections".
4115	"	32	Insert: "who" after "military service".
4116	5784	1	Delete as repetition "were suddenly not called up". Also delete "when they" before last word "were".
4117	5785	6	"This was a man." should be "This is of a man,".
4118	"	7-8	Change first words "regularly, that is, he left" to read "regularly with his class and left".
4119	"	9	"that he requested" should be "and requested".
4120	"	17	Delete as repetition "that the military attaché".
4121	"	23	"make proper request." should be "make the proper request."
4122	"	24	"director" should be "director".
4123	"	29	"case, and as" should be "case of how".
4124	"	30	Insert "and indirectly that" after "subsequently,".
4125	5786	4	Delete comma after "this man".
4126	"	26	Insert "was" after "among whom".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4127	5787	1	Place comma and insert "only a local representative," after "Malaga".
4128	"	2	"a foreigner" should be "a stranger".
4129	"	25	Delete comma after first word "dyes".
4130	"	29	Place comma after second word "majority".
4131	5788	9	Change "Farben in Berlin." to "the I.G. Department in Berlin.".
4132	"	11	Change "Vermittlungstelle," to "mediating agency,".
4133	5789	3	Delete "and on the appended list," at beginning of line. Change next word "in" to "to".
4134	"	4	Insert "and from the appended list you can see that" after "November 1942,".
4135	"	7	Delete second word "and".
4136	"	14	Delete "that" before "we wanted".
4137	5790	28	Insert "of" before last two words "the last".
4138	5791	10	"of policy" should be "of internal politics".
4139	5793	12	"The Chair though" should be "The Chair thought".
4140	"	25	Insert "especially" after "the lecture".
4141	5794	12	"I have referred to that here." should be "I referred to that in my lecture.".
4142	"	13	Change "at that time" to "in that atmosphere".
4143	"	17	"for a German contest in which Swedish" should be "for a general contest in which German, Swedish".
4144	5795	1	Delete "The," and start sentence with "Will you".
4145	5796	17	Place quotation marks before "He is not".
4146	"	18	Change "the authorities," to "my department,".
4147	"	19	Place quotation marks after "commercial employee." Insert "counter-intelligence service of the" before last word "OKW".
4148	5799	3	"Selg" should be "Selck".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
Q149	5800	13	Change period to comma and insert "marked as NI-6654," after third word "documents,".
Q150	"	15	"It is" should be "The first is".
Q151	"	17-18	After line 17 and before line 18 insert the sentence "It concerns the case Flinsch, a name which you already mentioned this morning."
Q152	5801	19	First word "not" should be "no".
Q153	5802	27	Change "of Francolor which" to read "of the special role of Francolor, which".
Q154	5805	12	"1936" should be "1938".
Q155	"	25	"which inducted" should be "which induced".
Q156	5806	6	Place comma after "remember where".
Q157	5808	11	Last word "German" should be "Germany".
Q158	"	22	Insert "liaison" before last word "man?".
Q159	5809	13	"AO liaison" should be "I.G. liaison".
Q160	"	20	Last two words "into the" should be "from the".
Q161	5810	28	"important country," should be "important countries;".
Q162	"	32	"Exhibit 819" should be "Exhibit 894".
Q163	5812	3	"A (No response)." should be "A. No.".
Q164	5814	3	"what was that?" at end of line should be "when was that?".
Q165	5815	1	Before line 1, insert: THE MARSHALL: The Tribunal is again in session.
Q166	5816	32	Last three words "know this document," should be "knew this document."
Q167	5817	8	Change period to comma after "theory", and continue sentence with "for example".
Q168	5818	32	Insert "of the German and 2449 of the English," after "on page 2245".
Q169	5819	5	Last word in line "know" should be "knew".
Q170	"	29	"it can speak for itself." should be "he can speak for himself."
Q171	5821	17	Last word in line "as" should be "is".
Q172	"	25	Place quotation marks before and after "activities".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4173	5822	3	Change "by the military which" to read "by the military, Losantin which".
4174	"	8	Third word "knew," should be "know,".
4175	5823	28	Delete "and" after "conferences".
4176	5826	4	Insert "countries," after "overrunning".
4177	"	10	Delete "be" before "legitimately".
4178	5828	7	"the sort of many" should be "the heart of many".
4179	"	9	"that motion" should be "that the motion".
4180	"	10	Delete "what" before "appears".
4181	"	12	"hindsaid" should be "hindsight".
4182	5829	28	"it has already" should be "it had already".
4183	5831	3	Last word "probative" should be "prohibitive".
4184	"	5	"actual" should be "actually".
4185	"	12	Delete second word "which".
4186	"	18	Change "facts which in the past everyone" to read "facts that had happened which every one".
4187	"	19	"that that might" should be "anything which might".
4188	"	22	"the most difficulty seems" should be "the most difficult seem".
4189	"	24	Change period to comma and insert "that" after "Czechoslovakia". Next word is "simultaneously,".
4190	"	25	"that is to a proof." should be "that that is a proof."
4191	5832	1	Last three words "know of this" should be "knew of this".
4192	"	5	First word "witness" should be "witnesses".
4193	"	9	"the information." should be "any information."
4194	"	20	"was the misstatements" should be "were misstatements".
4195	5833	4	Delete period after "Czechoslovakia" and continue sentence with "apart".
4196	"	9	Insert "offered" after "some extent".
4197	5835	13-14	Change the sentence to read "The gentlemen asked me to support this plan when discussing it with the chemical department of our ministry, which I promised."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4198	5835	19	Second word "was" should be "were".
4199	5838	12	"offering its by individual" should be "offering its evidence by individual".
4200	5840	2	"might subsequently" should be "might not subsequently".
4201	5846	27	Second word "re" should be "the".
4202	5847	27	Third word "thought" should be "think".
4203	5849	28	"I have put" should be "I have to put".
4204	5851	8	Insert "on a footing of equality" after "government agencies".
4205	"	15	Last two words "former cases," should be "earlier cases."
4206	5853	22	Insert "since" after second word "wrong". Place comma after "attitude".
4207	5854	4	"no reflection" should be "no reflection".
4208	5855	6	"as to who was" should be "as to whom peace was".
4209	5856	25	First word "When" should be "What".
4210	"	27-28	Change period to question mark after first word "material" in line 27. The rest of the line 27 and line 28 should be two paragraphs as follows: A. All European countries were discussed. Q. Were the Neutrals included also?
4211	5857	24	Third word "this" should be "these".
4212	5858	3	Insert "Exhibit 1051," after "that it is".
4213	5859	1	"Document 1,252," should be "Document NI-11252,".
4214	"	2	"1052" at beginning of line should be "1051". "Page 156" should be "page 157".
4215	5862	8	Delete "It reads;".
4216	"	27	"for one had made if" should be "for if one had made".
4217	5863	9	Place quotation marks after "war?" and delete those before "That's".
4218	5863	10	"needs South American exports" should be "needs to export to South-America".
4219	5867	3	Last word "apposed." should be "opposed."

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4220	5867	4	Last two words "one the" should be "on the".
4221	"	5	"The problem raised by were" should be "The problems raised by cartels were".
4222	5868	3	Insert "which" after "according to".
4223	"	9	Place comma and insert "NI-6955," after "Exhibit 1053".
4224	"	29-30	Change lines 29 and 30 to read "in economic fields in other cases besides the New Order, or did they ask such questions of Farben?"
4225	5869	21	"approached" should be "approach".
4226	"	23	Last two words "reply completely" should be "rely completely".
4227	"	28	Insert "the official agencies and then the" after first two words "we approached".
4228	5870	11	Change last two words "was not" to "was known to me;".
4229	"	12	Delete first word "told".
4230	"	13	Change semi-colon to comma after "about this" and delete last word "that".
4231	5873	2	"page 39" at beginning of line should be "page 37".
4232	"	8	First words "the economic department," should be "the section Industrial Economy."
4233	"	12	"Handelsgesellschaft" should be "Handels-gesellschaften".
4234	5874	5	Place comma after "any action".
4235	5877	8	"in what sum" should be "in what form".
4236	"	9	"to take" should be "to authorize".
4237	5880	3	"was complete" should be "was completely".
4238	"	25	Place comma after "Ministry" and also at end of line after "binding".
4239	5882	7	Insert "majorities or" after second word "national".
4240	"	21	"State of Party" should be "State or Party".
4241	5884	7	Insert "overall" before "organization".
4242	5887	6	"The success of the transactions" should be "Concerning the ensuing transactions". Insert "of" before last word "Francolor".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4243	5888	9	Place period after third word "report". Begin new sentence with following word "That".
4244	"	10	"was obviously discussed of course" should be "is obvious of course".
4245	"	16	"was not on the beauty" should be "was a defeat in the beauty".
4246	5889	4	Delete "the" before "questions".
4247	5891	27	"I had to add here to what" should be "I have to add here what".
4248	5893	13	Delete "that" after "impression".
4249	5895	14	Add "and as to that." at end of line after "purpose,".
4250	5896	9	Delete "Side" after "French".
4251	"	30	Change "I was merely" to read "In our discussion he was merely".
4252	"	31	Change "I" to "he" before "merely reported".
4253	5898	2	"properation" should be "proportion".
4254	5900	26	Insert "with" after "Farben".
4255	"	31	"Sudeten gasoline;" should be "synthetic gasoline;".
4256	5901	11	"was outspoken" should be "was an outspoken".
4257	"	13	"kopp unprofitable" should be "to keep unprofitable".
4258	5902	18	Change period to comma after first word "industry".
4259	"	20	Place comma and insert "Ley," after second word "Farben". Delete "and" before "which had".
4260	"	30	"newspapers" should be "newspaper".
4261	5903	21	"to point out that, without whatever" should be "to point it out for whatever".
4262	5904	4	Insert "was working" after "Dr. Dix".
4263	"	5	Change "it was possible he was approaching some particular" to read "it is possible he had a particular".
4264	5905	28	Delete "the" before "Farben".
4265	5906	13	First three words "the Bosch's person" should be "the personality of Bosch".
4266	5910	14	Delete "which" before "now have".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4267	5911	10	Insert "on in having to write a letter" after "had to go".
4268	"	11	Change "by writing a letter asking his pardon," to read "to ask his pardon,".
4269	"	12	"to disgusting" should be "too disgusting". Delete "it" before last three words "to you here".
4270	"	24-25	Change lines 24 and 25 to read "in which the Party and government paid no attention to the death and funeral of such an important man."
4271	5913	4	Change period to comma after "this article", and continue sentence with "on the".
4272	5915	6	"must a point" should be "must be a point".
4273	5916.	22	Insert "I believe that" before first word "the".
4274	5916	24	Change "or my associate did so, - the fact that" to read "or by my associate, - that".
4275	5917	8	Place period and delete "which," after "relevancy". Begin new sentence with "If you".
4276	5919	25	"I shall try" should be "I try".

Item No.	Transcript pages	Line(s)	PROPOSED CORRECTION
4277	5922	19	Last two words "was no" should be "were no".
4278	5924	24	"Document No. 23" should be "Document No. 22".
4279	"	25	First number "No. 23" should be "No. 22". Delete "rather (Exhibit) 22". Next word "have" should be "has".
4280	5925	2	"board of directors" should be "Vorstand".
4281	"	12	"after the assumption of power?" should be "during the seizure of power?".
4282	5927	4	Third word "makes" should be "mentions".
4283	"	11	"1943" should be "1933".
4284	5928	4	Delete first word "then".
4285	"	10	"Bessler" should be "Baessler".
4286	"	11	Second word "Board" should be "Committee". "Board of Directors" should be "Vorstand".
4287	"	17	"Bessler" should be "Baessler".
4288	5931	13	Third word "approval" should be "causal instigation".
4289	5933	11	Last two words "in the" should be "from the".
4290	"	21	First word "fervor," should be "terror."
4291	"	23	"cannot be admitted." should be "could not be admitted."
4292	5937	25	"the text of the document" should be "the index of the document".
4293	5938	7	"by des ing the laws" should be "by describing the laws".
4294	5939	12	Insert "to" before last two words "listing the".
4295	5941	13/14	Change lines 13 and 14 to read "besides the above general furtherance of science and human progress also many works of genuine humanitarianism."
4296	"	24	Add "have" after last word "these" at end of line.
4297	5943	5	"Peach Dele(gation)" should be "Peace Dele(gation)".
4298	5944	21	"the same gentlemen" should be "the same gentleman".
4299	"	26	Last word "before" should be "after".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4300	5945	2	Insert "threefold." after "increased".
4301	5946	4	Change period to comma after first word "dressing", and continue sentence with "with".
4302	"	5	Change comma to period after "Exhibit 1069".
4303	"	17	"donation" should be "donations".
4304	5948	17	First three words "affidavits of certified" should be "certified affidavits of".
4305	5949	7	"donations must almost always have" should be "donations almost always".
4306	"	28	"the Tribunal fell" should be "the Tribunal feel".
4307	5951	4	Insert "Dynamit Nobel A.G." after "DAG".
4308	5952	6	Add "as" after last word "documents".
4309	5953	30	Change period to comma after "Number 4".
4310	5954	9	Place quotation marks after "own responsibility".
4311	5956	12	Change line 12 to read "Chemie Revisions- und Treuhandgesellschaft m.b.H. did not", deleting all quotation marks.
4312	"	13-14	Delete quotation marks around "Verwert- chemie".
4313	5957	13	"Just like planning, construction" should be "Even as the planning, the construction".
4314	"	14	"was the conclusion" should be "followed the conclusion".
4315	"	18/19	Change from "did not allow" in line 18 through line 19 to read "did not allow a copy of such agreements for Farben".
4316	5958	7	Insert "by order of the Reich" after first word "DAG".
4317	"	27	"21.9 percent." should be "21.6 percent."
4318	5960	27, 28, 31	"production amounts" should be "production capacities".
4319	5961	8	Second word "to" should be "two".
4320	5963	3	"1.8 million" should be "1.08 million".
4321	"	4	"the end of the war" should be "the beginning of the war".
4322	"	25	"102,000 tons" should be "112,000 tons".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4323	5964	5	Place quotation marks at end of paragraph.
4324	"	12	Change comma to period after "matters". Begin new sentence with "Unless".
4325	"	13	Change period to comma at end of line after "matters" and continue sentence with "we" in next line.
4326	5966	7	Place comma after "figures" and change next word "and" to "who".
4327	"	28	First word "centages" should be "percentages".
4328	5967	1,5,10,16	Place quotation marks at beginning of paragraph.
4329	"	22	"even more," should be "even more so,".
4330	"	23	"the conditions were" should be "were the conditions".
4331	5968	11	Delete quotation marks at end of paragraph after "firm,".
4332	5970	5	Last word in line "import" should be "export".
4333	"	10	Insert "(RWS)" after "Sprengstoff, A.G."
4334	"	13	Third word "importing" should be "exporting".
4335	5971	7	Delete quotation marks after second word "with."
4336	"	8	Last word "import" should be "export".
4337	"	15	Delete comma after "mentioned". Place comma after "before".
4338	"	23	"19, 20 and 21," should be "19, 20 and 21,".
4339	5972	1	"imported" should be "exported".
4340	"	21	Change comma to period after "war". Begin new sentence with "For this proof".
4341	"	22	DAG No. 93," should be "DAG No. 23,"
4342	5973	5	"private Company," should be "Rivet Company,".
4343	"	15	"Explosive Company," should be "Explosive Rivet Company,".
4344	"	20	"which aproves," should be "which proved,". Delete "as" before last three words "of the greatest".
4345	"	28	"the success of the nitration" should be "the successful working out of the nitration".
4346	5978	13	"were in the course" should be "were produced in the course".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4347	5978	14	Place period after "World War" and delete "produced."
4348	5979	1	Change "What was" to "What shape took".
4349	5981	4	Delete "a" before "great additional".
4350	"	20	"were already set down." should be "were set down at the same time."
4351	5983	20-21	Change line 20 and first word of line 21 to read "period, I think a period of three years in order to investigate the turnover of the contract partners."
4352	5985	4	"who say to it" should be "who saw to it".
4353	"	5	Change entire line to read "done for the interests of everybody. In addition,".
4354	5986	21	Change period to comma after "activity" and continue sentence with "the".
4355	"	22	Insert "and" before last three words "that was the".
4356	5988	9	"which is" should be "which was".
4357	5991	19	Change period to comma after second word "argued", and continue sentence with "if you".
4358	5992	1	"DR. GIERLICH:" should be "DR. SIEMERS:"
4359	5993	27	Change comma to period after "elsewhere". Begin new sentence with "Since".
4360	5994	20	Change period to comma and insert "NI-051." after "Exhibit 421".
4361	"	22/23	Change "Prince Minister" to "Minister President".
4362	"	24	Place quotation marks after "Four Year Plan." at end of paragraph.
4363	5995	6	Insert "Exhibit 423 in" after "that is". Delete comma after "same book".
4364	"	16	Place quotation marks after "Four Year Plan." at end of paragraph.
4365	5996	2	"Stage secret" should be "State secret".
4366	5997	12	"the newspaper or general about this speech talk" should be "the newspapers or the general talk about this speech".
4367	"	27	Delete last word "German".
4368	"	28	"Orde Republique," should be "Ordre public".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4369	5997	30	"ever abrogate the Cartel" should be "abrogate only the Cartel".
4370	5998	6	Delete "in which English dyestuffs,".
4371	"	26	"were decise," should be "were decisive."
4372	5999	15	Delete "I" before "contact again".
4373	6001	1	Place "A." at beginning of line before "The subsequent".
4374	"	13	Delete "the" before "Farben".
4375	"	31	Insert "of" before "Farben".
4376	6002	9	Change period to comma after "51 §".
4377	"	10	"up at that time," should be "up to that time,".
4378	"	12	"was on the French side," should be "was in favor of the French side."
4379	"	17	"The Verwaltungsrat's Administration Counsel" should be "The Verwaltungsrat, Administrative Counsel,".
4380	"	18	Insert "on a footing of equality." after first word "parties".
4381	"	31	"1967" should be "1867".
4382	6003	6	"charta" should be "charter".
4383	"	23	"chart" should be "charter".
4384	6006	25	Place period at end of line after "them".
4385	6007	11	Change "that it is my business, I can" to read "that is my business. I can".
4386	6008	18	Change period to comma after "company" and continue sentence with "a person".
4387	"	22	Place period after "result" and begin new sentence with next word "During".
4388	"	23	Change period to comma after "Francolor" and continue sentence with "were there".
4389	"	34	Insert "of the president," after "position".
4390	6009	9	"brought in by the Francolor and" should be "brought into Francolor by the French and".
4391	6010	22	Delete "that" after "discloses".
4392	"	23	Insert "and we" after first word "(Prosecution".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4393	6011	10	Insert "(Editor's note: See page 6013, ll. 3 ff. for proposed correction of this translation)" after first word "(oblig)ation".
4394	"	25	Change entire line to read "French group, and for instance if processes were".
4395	"	26	Change semi-colon to comma after third word "patents".
4396	"	32	Insert "methods of production were shown to them," after "received apparatus,".
4397	6013	3	Change and punctuate first part of line 3 as follows: "Kapital Verflechtung"; I have just
4398	"	10	Insert "Exhibit 1255," after "Book LVIII,".
4399	6014	17	"important purposes" should be "important war purposes".
4400	6015	7	"English pages 53" should be "English pages 35".
4401	6016	1	Insert "yourself" after "did you".
4402	"	2	Delete comma after first word "or".
4403	"	3, 6, 11	"articles of association" should be "Articles of Incorporation".
4404	"	13	"this is general" should be "these generally".
4405	6018	8	"Resilieu" should be "résigné".
4406	6019	6	Change period to comma after last word "contract" and add "HI-6845," after it.
4407	"	2	"resilie" should be "résigné".
4408	6020	16	Insert "on behalf of the German Industry," after "against France".
4409	6021	3	"which have repeatedly" should be "which has repeatedly".
4410	6024	2	Delete "Thank you."
4411	"	13	"the insurance sums" should be "the fire insurance sums".
4412	"	14	"the insurance values" should be "the fire insurance values".
4413	6026	14	"I will examine" should be "I can examine".
4414	6027	14	Delete "then" after "the latest".
4415	"	20	Last word "expeditious" should be "expedient".
4416	"	32	First word "Frankfurt" should be "France".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4417	6030	3	Last word in line "assurance" should be "insurance".
4418	"	4	"to be about" should be "as about".
4419	"	8	"five percent" should be "five hundred percent."
4420	6035	6,16	"Hiemann" should be "Hammen".
4421	6036	5	"Hiemann" should be "Hammen".
4422	6037	32	Last three words in line "state whether the" should be "note the".
4423	6038	1	Change and punctuate beginning of line 1 as follows: statement that "a company with
4424	6039	20	Delete "in" before last three words "by way of".
4425	6041	7	Change line to read "It became clear to me from the following that namely in actual".
4426	"	6	"were longer" should be "were no longer".
4427	6042	30-31	Change lines 30 and 31 to read as follows: As it was arranged in a somewhat complicated way, I can give only approximate figures, because it consisted of a quota re-insurance and an "excess of loss" in-
4428	6043	20	Last three words "because of the" should be "that the".
4429	6045	1	Insert the following before line 1

AFTERNOON SESSION

(The hearing reconvened at 13.30 hours.)

4430	6046	17	Insert "I cannot go on without the translation of the original. The sentences are too long." after "No, your Honor."
4431	"	18	Add "and page" after last word in line "book"
4432	6047	19	"their technical field," should be "the practical field."
4433	6048	5	Place comma after "ideas".
4434	"	12	Change "the Vichy Law" to "the important law".
4435	6049	1	Insert "of this" after "because".
4436	6050	6	Second word "gentleman," should be "gentlemen,".
4437	6051	20	Answer of line 20 should begin "The highest one in Germany." Then continue with the sentence "I believe—".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4438	6051	22	Delete "that" before last word "a".
4439	"	28	Change "remarkable," to "very strange,".
4440	6053	12	Change "was ill until July 14." to read "was in the war. Until July 1914 —."
4441	"	14	Insert "During" before "World War I" at beginning of answer.
4442	6054	30	"calle Ziba." should be "called Ziba."
4443	6055	30	Change last three words "was the nitrogen" to "belonged to the nitrogen"
4444	"	31	Insert "to" after "place" (twice).
4445	"	32	Insert "to" after "place".
4446	6056	1	Insert "to" after "place".
4447	"	3	"in total" should be "in the total".
4448	6057	16	Change last two words "operate? As" to read "operate which"
4449	"	17	Delete "if" before "affected".
4450	"	18	Delete "Yes."
4451	"	23	"now results." should be "no results."
4452	"	26	Change period to dash after second word "losses". Continue sentence with "the Bank".
4453	6058	1	"The quota" should be "The quotas".
4454	"	18	Place dash after second word "finished".
4455	6059	4	"NI-91151" should be "NI-9151".
4456	"	5	"6155" should be "9155".
4457	"	20	"Object." should be "Objection."
4458	6061	3	"probably that" should be "that probably this".
4459	"	15	"merely an Industriousness" should be "merely industriousness".
4460	"	33	Change entire line to read "The basic idea was to maintain the Economic life in Poland".
4461	6062	1-2	Change lines 1 and 2 to read "and above all the pacification of the Polish market which Farben in collaboration with tri-partite cartel and the Polish groups had worked toward with".
4462	"	6	Change period to semi-colon after "waste". Complete sentence with "the substance would have been used up."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4463	6062	14	Change "the Department for Economy, the Office in Cracow." to "the Economy Trustee Office in Cracow."
4464	"	29	Change period to comma after "Farben" and complete sentence with "which continued paying us."
4465	6063	12	"with Wola, then Voruta" should be "with Boruta, then Wola".
4466	"	32	"Bielitz formerly" should be "Bielitz was formerly".
4467	6065	27	"people employed" should be "people were employed".
4468	6067	16	Change "facilities" to "plants".
4469	"	26	Change "wage assignments" to "work contracts".
4470	6068	3	First word "it" should be "then".
4471	6072	1	Before line 1, insert "Q. Did the HTO ever ask for more than five million?".
4472	6073	9	"As man" should be "As the man".
4473	"	19	"Coal was" should be "But coal was".
4474	"	22	Delete second and third words "was that".
4475	"	25	Insert "of that day" after "evening".
4476	6077	16	Insert "done with" after "had been".
4477	6078	1	Last two words "discontinued, in" should be "discounted, in".
4478	"	5	"of ull value" should be "of full value".
4479	"	8	First word "Prussia" should be "Poland".
4480	"	27	"to effect." should be "in effect."
4481	6079	13	"which built" should be "which was built".
4482	"	22	Place comma after last word "dye-stuffs".
4483	"	23	Place "Farben knew this" at beginning of line before "business".
4484	"	28	"for technical" should be "from technical"
4485	6082	5	"I way him again" should be "I saw him again".
4486	6083	5	"his sich son." should be "his sick son."
4487	6084	1	Place period after "regulation". Begin new sentence with "Here I".

Item no.	Transcript page	Line(s)	PROPOSED CORRECTION
4488	6084	2	"September," should be "November,".
4489	"	5	Change line 5 to read "petitions for increase were to be made to the competent district head (Kreishauptmann) with a confirmation of the Elderman of the Jews concerning the financial conditions."
4490	6085	19	Change comma to semi-colon after first word "conclusions". "won't the Tribunal be the people" should be "wouldn't the Tribunal be competent".
4491	6086	31	Change comma to period after first word "(partici)pated". Begin new sentence with "These".
4492	6087	24	"to stock" should be "to stick".
4493	6088	11	Delete comma and insert "with" after "personal messenger".
4494	"	20	"that there were" should be "that where there were".
4495	6091	20	Add "by" at end of line after "or".
4496	6092	1	Change first sentence to read "Both houses were in the balance sheets as well as in the books of Wola."
4497	"	15	First word "your" should be "their". Change period to comma after "Farben" and continue sentence with "the".
4498	6095	9-10	Change from "people" in line 9 through "executed" in line 10 to read "people favored by them would have been executed."
4499	6097	1	Insert "in" before "1941".
4500	6098	16	"I think" should be "I thank".
4501	"	18	"had not remained" should be "had remained".
4502	"	28	Change last four words to read "agency for iron Cracow, all non-used".
4503	6099	15	Line 15 should read "communications with Wola had been interrupted—".
4504	"	25	Insert "was fixed as a line of demarcation. Winnica lies on the eastern bank of the Wistula," after fourth word "Wistula".
4505	6100	15	Delete quotation marks before "not furnishing".
4506	"	18	Place comma after "first". "both Farben, French" should be "both Farben and French".
4507	"	30	"furnishing to dyestuffs" should be "furnishing dyestuffs".
4508	6101	4	Change "produce" to "import".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4509	6101	11	Third word "chaki," should be "khaki,".
4510	"	6 17	"Swill" should be "Swiss"
4511	"	23	First word "how" should be "what",.
4512	6102	2-3	"found any agencies," should be "found openly any agencies." Delete entirely the rest of the sentence.
4513	"	5	"Voseph Roscard" should be "Joseph Frossard",.
4514	"	16	"Winnica 1929" should be "Winnica in 1929",.
4515	6104	23	"to loan coal" should be "to borrow coal",.
4516	"	28	"was the peat." should be "was with peat"
4517	6105	1	Insert "then the" before "tariffs",.
4518	"	3	"exchange, boundary," should be "exchange limitations",.
4519	6106	23	Delete first word "business",.
4520	6107	13	"under circumstances?" should be "under these circumstances?"
4521	6108	12	Change "for Chemical Inventions" to "for Organic Chemistry",.
4522	"	14	Change "military" to "preliminary",.
4523	6109	6-7	Delete "the affair of somebody else and was",.
4524	6110	9	Insert "Farben" before last word "property",.
4525	"	19	First word "What" should be "That",.
4526	"	28	Change "January Pabianice received forty-five" to read "January 1945 Pabianice received",.
4527	6111	8	Change "NI 1149, also" to "NI 5947, in book 55, English page 32, German page 46; and in Exhibit 1134, NI-1149, also",.
4528	"	16	Change the seven last words to read "In charge of",.
4529	"	18	"Landeswirtschaftsbank," should be "Landwirtschaftsbank",.
4530	"	19	"the account" should be "for the account",.
4531	"	25/26	Change "was a plant that been divided into two parts and" to read "was a third territory and",.
4532	6113	1	Before Line 1 insert "THE MARSHALL: The Tribunal is again in session.",.
4533	6114	9	Place comma after "Warthogau",.

ITEM Transcript Line(s)
No page

PROPOSED CORRECTION

ITEM No	Transcript page	Line(s)	PROPOSED CORRECTION
4534	6114	17	"made me" should be "made use". Last word "gave" should be "give".
4535	"	20	First word "he" should be "they".
4536	"	26	"We had to deliver" should be "We delivered".
4537	6115	4	Delete "and" before "amounted".
4538	6117	10	"Ich kann" should be "I can".
4539	"	18	Delete "made" after "We had".
4540	6118	21	Last word "additions." should be "supplementations."
4541	6120	11	"part from you" should be "apart from you".
4542	"	31	"that foreman" should be "that the foreman".
4543	6121	2	Change last three words "Tar-dyestuff works" to "Teerfarbenwerke".
4544	6122	11	Change second word "Krauch" to "purchase".
4545	"	24	"work mostly" should be "work was mostly".
4546	6123	4	"people or realized" should be "people realized".
4547	"	5	"who was the tariff negotiations and director" should be "who in the tariff negotiations as director".
4548	"	6	"plant and had" should be "plant who had".
4549	6124	17	Insert "any," after first word "even". Place comma after "a few".
4550	"	20	"the one moates locksmith" should be "the locksmith".
4551	"	21	"grew" should be "got".
4552	6125	12	Last word "interfered" should be "interfere".
4553	6126	13	Change "this was a part" to "there was also a part".
4554	"	16	Delete "enes" after "directed".
4555	"	28	Delete "improve German,".
4556	"	32	Change "to know" to read "to throw".
4557	6127	17	"If the Fargen took ober" should be "If Farben teok over".
4558	"	23	"give" should be "gives".
4559	6128	2	Add "for the" at end of line after "district".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4560	6128	3	Change "the spirit of the common bound the so-called" to read "the community spirit of the so-called".
4561	"	7	Insert "complete" after "witness".
4562	"	11	Change "But if one" to "And if one".
4563	"	13	Last two words "then talks" should be "then talks".
4564	6129	14	Place comma after "No. 2".
4565	6130	31	Last two words should be "just was:".
4566	6131	1	First two words "It is" should be "was it"
4567	"	5	"He don't" should be "He doesn't".
4568	6133	32	"I was introduced" should be "I was not introduced". Change "but I did not" to "and I did not".
4569	6135	6	Last three words "at a later" should be "later at a".
4570	"	7	Insert "still" after first word "time".
4571	6136	9	"graduated with" should be "graduated under".
4572	6138	31	Last word should be "founded".
4573	"	27	"since" should be "science".
4574	6141	10	"this is on page 72 of the English," should be "this is Exhibit 295, on page 72 of the English, Book XI".
4575	"	11	"NI-10166" should be "NI-10161".
4576	"	23	"Production" should be "Promotion".
4577	"	28	"American Association, a society for the advancement of science." should be "American association, 'Society for the Advancement of Science.'"
4578	6142	4	"Hoerlein 105 and 115." should be "Hoerlein No. 1, pages 105 and 115."
4579	"	6,7	"my brother," should be "my colleague,".
4580	6143	31	"sure thing?" should be "short thing?".
4581	6144	24	"planning the war" should be "planning war".
4582	"	27	Change period to comma and insert "page 1." after first word "I".
4583	6145	7	"members does" should be "members did".
4584	6146	2	Place comma after "Book".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4585	6146	11	Second word "plades" should be "plants".
4586	"	16	"Leverkusen" should be "Hoechst".
4587	"	29	Insert "Exhibits 36 and 37 in" after third word "the".
4588	6147	5	"page 32" should be "page 82".
4589	"	13	"in 1938," should be "until 1938,".
4590	6148	16	"summer of 1935," should be "summer of 1939,".
4591	6149	11	"Exhibit No. 6." should be "Exhibit No. 8."
4592	"	15	Change comma to semi-colon after "level".
4593	6150	9	Change "on page 4," to "in Book IV,".
4594	"	17	"page 38" should be "page 84".
4595	"	30	"page 6" should be "page 86".
4596	6151	6-7	"Document No. 738," should be "Exhibit No. 783,".
4597	"	7	Insert "Book" after "English".
4598	"	16	Delete "of Foreign".
4599	"	31	"affected to Farben" should be "affected Farben".
4600	6152	3	Change comma to period after "contact". Begin new sentence with "Business".
4601	"	5	Change period to comma after "Authority". Delete next word "They".
4602	"	8	"page 70," should be "page 17,".
4603	"	10	"Exhibit No." should be "Exhibits No.".
4604	6153	9	Add "was" at end of line after "whatever".
4605	"	14	Change period to comma and insert "Exhibit 411." after "July 1936".
4606	"	24-25, 27	Change "leaders in the War Economy" to "Wehrwirtschaftsfuehrer".
4607	"	28	Change "War Economy Leader" to "Wehrwirtschaftsfuehrer".
4608	6154	3	Change "it was not in the year 1941." to "in January 1941."
4609	"	22	"followed the" should be "followed by the".
4610	"	23	"Stahlbrook" should be "Steenbock".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4611	6154	30	"general discussions" should be "general political discussions".
4612	"	31	Delete period after first word "about". Continue sentence with "the sense".
4613	6155	7	"that it was the intention of Hitler to" should be "that the intention of Hitler was to".
4614	6156	5	"in Book No. 9." should be "in Book No. I, page 9."
4615	"	15	Place comma after "did you".
4616	"	22	Third word "Fews" should be "Jews".
4617	"	24	"Homeopathies," should be "homoeopathy,".
4618	6157	12	Delete first word "of".
4619	"	14	"homeopathies." should be "homoeopathy."
4620	"	17	Last word "his." should be "them."
4621	"	19, 20	Delete "Dr. NEITE:" on line 20. This paragraph is a continuation of the President's words in lines 17 and 18.
4622	6158	3	Place comma after first word "(under)stood" and also after "it".
4623	6160	17	Delete "anti-senetic". "vivisectionists" should be "anti-vivisectionists".
4624	6161	14	"That very well" should be "That may very well".
4625	6162	21	"of discretion as to" should be "in the discretion of the Prosecution as to".
4626	"	24	Line 24 should read "that it is proper from the scientific standpoint on vivisection".
4627	6164	12	"circles of government" should be "circles or government".
4628	"	29-30	Change lines 29 and 30 to read "Yes. I fought the government for its intervention within the framework of the raw materials regulations and the so-called supply plans. I did not do this because I be(lieved)".
4629	6165	9	"44th" should be "74th".
4630	"	10	Change "increases" to "statistics".
4631	"	18	"ministry of Finance" should be "ministry of Sciences".
4632	"	25	Second word "President" should be "Treasurer".
4633	"	32	Place period after second word "production". Begin new sentence with "As a result". "internation" should be "international".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4634	6166	17	Last word "to" should be "for".
4635	"	23	First word "times" should be "Times".
4636	"	26	Last words "whom we had" should be "with whom we had".
4637	6168	20-21	"fellow members." should be "fellow citizens."
4638	"	28	"I was able" should be "I would be able".
4639	"	29	Place comma after "manner".
4640	6169	10	"in 1932" should be "in 1933". Last two words "politicians are" should be "politics are".
4641	"	17	"some of the Nazi" should be "some aims of the Nazi".
4642	"	28	Last four words "that if I had" should be "than if I had".
4643	"	30	Insert "of the pro and con" after "deliberation".
4644	"	30-31	Delete "account for".
4645	6170	13	"given these affidavits" should be "give in these affidavits".
4646	"	14	Delete "the" before "testimony".
4647	6173	24-25	Change "hygiene relating to an international basis matters." to "the units and dosage of remedies internationally."
4648	6174	12	Third word "was" should be "as".
4649	6175	19	Delete "I had" after "basis".
4650	6176	13	Last two words "and keep" should be "and to keep".
4651	"	19	Change line 19 entirely to read "The financial means which was owed to the initiative of Prof. Hoerlein and without".
4652	"	21	"without contract with I.G." should be "without any binding contract by I.G."
4653	"	24	Last two words "new drugs?" should be "new therapeutic drugs?".
4654	6177	20	Delete "there is" after first word "justification".
4655	"	27	Change "have observed the new drugs" to "under observation".
4656	"	28	Change "but for that they need" to read "apply the new drug on".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4557	6177	29	Change "experiment." to "trial."
4558	"	30-31	Place period after "(sic)" in line 30. Change rest of line 30 and line 31 to read "On the results, depends the release of the drug for the general practice of doctors."
4559	6178	12	Change "experiment" to "healing test".
4560	"	14	Change first word "experiment" to "healing test".
4561	6179	3	Last word "experiment?" should be "test?"
4562	"	7	Delete "such" before last word "by".
4563	"	8	Delete third word "intentionally".
4564	"	14	Delete last three words "to clear up".
4565	6180	32	Delete third word "to".
4566	6181	7	Delete "on" after "patient".
4567	"	8	First word "and" should be "or to".
4568	"	23	Last word "shall" should be "should"
4569	"	24	Change second word "try" to read "make an attempt".
4570	"	26	Change "we try to save" to read "we make an attempt to save".
4571	"	30	Delete "to" after "possible".
4572	6183	20	Change second word "a" to "an early or".
4573	"	28	Insert "healing" after "possible".
4574	"	29	Place comma after "implications".
4575	"	30	"efforts made" should be "efforts were made".
4576	6184	10	Third word "must," should be "must not,".
4577	"	11	Delete "must not".
4578	"	20	"in 1942 and 1942?" should be "in 1941 and 1942?".
4579	"	27	Delete "What do you mean by 'comprehensible,'". Insert "Of course," before "Doctor—".
4580	6185	2	"they had founded," should be "that had been founded,".
4581	"	17-18	Change "you must put up if you are a strict scientific worker," to read "one must fulfil on the basis of strict scientific criticism,".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4682	6185	8-10	Change from "which you" in line 8 through first word in line 10 to read "of strict scientific criticism, if, on the basis of the expose, the drug is to be applied on a patient."
4683	6187	12-13	Change lines 12 and 13 to read "Certainly not, since in view of the danger to health which existed on the one hand, and since on the other hand, the expose had made everything quite".
4684	6188	15-16	Change lines 15 and 16 to read "(conscientiously) observed and the reasons appearing for recommending methylene blue for typhus are given in detail."
4685	6190	9-10	Change lines 9 and 10 to read "isolated from the scientific literature of foreign countries. By methods which I do not know, certain scientific publications".
4686	"	13	Change line 13 to read "In the Vorstand of the German Chemical Society the question dis(cussed)".
4687	"	14	Delete "the question". Last three words "useful to circulate" should be "possible to reprint".
4688	"	15-16	Change "reprint them, perhaps in German," to read "circulate them".
4689	6193	30	Delete "not" before last word "undoubtedly".
4690	6198	9	Change comma to semi-colon after first word "helpful".
4691	"	16	Insert "in" before "the simple things".
4692	"	17	"became known" should be "it became known".
4693	"	21	"already aid" should be "already said".
4694	6200	3	Change comma to period after "body". Begin new sentence with "They were".
4695	"	6	"infections" should be "infectious".
4696	6202	12	Insert "than" after "further".
4697	"	32	"plants" should be "plans".
4698	6203	10	"the persons in charge" should be "the competent persons in charge —"
4699	"	11	"of the commissions of the plant — plant managers," should be "the commissions, the plant managers,".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4700	6203	12	Change comma to semi-colon after "generally".
4701	"	14	Second word "if," should be "it,".
4702	"	26	"Have a single instance" should be "in a single instance".
4703	6204	8	Last four words "which also be of" should be "which would also be of".
4704	6205	28	Delete last word "will".
4705	"	29	Change period to comma after "respect" and continue sentence by adding "and they never did so."
4706	6207	29	Place comma after "bribes".
4707	"	30	"offices." should be "officers."
4708	6210	4	"NI-3857" should be "NI-3807". "Page 91" should be "page 41".
4709	6211	25	Last three words "the Central Committee" should be "the Office of the Central Committee".
4710	6212	5	"5,614 odd" at end of line should be "5,672.46 RM".
4711	6213	9	Change last three words "could have done." to "wanted."
4712	"	26	First two words "and only" should be "and that only"
4713	6214	13	Insert "Promoters of" after "Association of".
4714	6215	6	"4 billions," should be "3 billion,".
4715	"	17	"it merely," should be "then merely,".
4716	"	18	Second word "it" should be "then".
4717	6217	8	"Exhibit 42," should be "Exhibit 32,".
4718	"	25	"research plant" should be "research institute".
4719	6218	4	Change line 4 to read "Because we had in Elberfeld the Institute for Industrial Hygiene for the".
4720	"	7	"Social Hygiene?" should be "Industrial Hygiene?"
4721	6224	3	Delete "then" after "report".
4722	6225	4	"to have reference" should be "to make reference".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4723	6227	5	Last two words "rules whether" should be "ruled whether".
4724	6228	31	Change comma to period after last word "it".
4725	6229	1	Begin new sentence with "If".
4726	"	11	Delete "to then".
4727	"	16	Place comma after "assignment".
4728	"	17	Delete commas after "plant" and after "thereby".
4729	6230	16	Insert "to" after "permission"
4730	6233	23	Delete as repetition entire line with the exception of last two words "and was".
4731	6234	7	Insert "of the German" after "page 20"
4732	6235	2	Place comma after "misunderstanding" and delete next three words "in the standing"
4733	"	3	Delete first word "von", placing the quotation marks before "Hochsterstelle".
4734	6237	12	Change line 12 from "that" to read "that in so way did any facts come to my".
4735	6237	21, 23	"to have" should be "of having".
4736	6239	26	Place comma after "Staff". Delete comma after "Kilberfeld".
4737	"	30	Change "the effective animal experiments." to "their experimental effects."
4738	6240	21	"are denied" should be "were denied".
4739	6241	7	"there was" should be "there were".
4740	"	15	Last three words "does not and" should be "did not and".
4741	"	18	"contains" should be "contained".
4742	"	27, 32	"Fournault," should be "Fournieu,".
4743	6242	6, 8	"Fournault," should be "Fournieu,".
4744	6243	18	"February 194k," should be "February 1941,".
4745	6244	18	Change period to dash after last word "drugs", and continue sentence with "the chemical" in next line.
4746	"	20	Place colon and delete dash after first word "then".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4747	6244	23	First word "plants" should be "plant".
4748	6245	26	"No. 42" should be "No. 43".
4749	"	27	"Book II," should be "Book I,".
4750	"	28	"Exhibit 32" should be "Exhibit 5."
4751	6246	16	Insert "Exhibit 489," after "1315,"
4752	"	24	"the Beringwerke" should be "the Auf- sichtsrat of Beringwerke".
4753	6247	26	Delete "A.G." after "Beringwerke".
4754	6248	18	Place comma after "Jewish wife".
4755	6249	30	Change "meetings" to "reports" (first time) and to "report" (second time).
4756	6240	11	Change period to comma after third word "reports".
4757	6251	5	Change "We tested" to "We at Elberfeld had".
4758	"	6	Change "at Elberfeld," to read "tested through Leverkusen,".
4759	"	13	Last three words "some of the" should be "sale of the".
4760	6252	31	"plants intermediate" should be "plants for intermediates".

Item Transcript No.	page	Line(s)	PROPOSED CORRECTION
4761	6256	15	Change period to comma after "Exhibit 52".
4762	6257	10	Change the fourth word "to" to "from".
4763	6257	24	Place comma after "humanity".
4764	6258	6	Change "in addition to their" to read "just as the".
4765	6258	30	Delete comma after "expose".
4766	6260	15	Delete last word "case".
4767	6260	16	Change "of the symptoms indicated" to "indications named".
4768	6260	27	First two words "These associations" should be "These connections".
4769	6261	7	Last word "contents," should be "contents".
4770	6262	6	"results varied" should be "results were negative".
4771	6262	23	"Exhibit 53," should be "Exhibit 54".
4772	6263	30	Last two words "have been" should be "had been".
4773	6264	2	"package" should be "patents".
4774	6264	7	Last two words "to to(gether)" should be "it to(gether)".
4775	6265	28	First word "officer" should be "Professor".
4776	6266	6	Change comma to period after "Book 8" and delete "4." at end of line.
4777	6266	7	"page 126" should be "page 9".
4778	6267	5	Insert "of the German," after "page 4".
4779	6267	6	"page 78" should be "page 18".
4780	6269	4	Delete "Q" and place quotation marks before first word "It".
4781	6269	8	Place quotation mark after "Bayer." at end of paragraph.
4782	6269	22	"Page 2" should be "Page 28".
4783	6271	13	"This is 128" should be "This is 9".
4784	6271	18	Change first word "concerns" to "was".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4785	6271	23	"page 128" should be "page 9".
4786	6271	29	Last word "sparta" should be "branch".
4787	6271	30	"each of them" should be "each of us".
4788	6272	5	"mentioned just" should be "mentioned on just".
4789	6272	9	"as a scientist" should be "than we scientists".
4790	6272	22	"Exhibit 42," should be "Exhibit 32,".
4791	6274	11	"Paragraph 1, page 52" should be "Paragraph 152, page 85".
4792	6274	12	"Brief, Paragraph 3, and I know" should be "Brief III, and I know".
4793	6275	8	Change line 8 to read "That's in Book 2 of the Prosecution, page 50 in the English."
4796	6275	10	"metholene" should be "gasoline". Change "for dye stuff" to read "for chemicals, dyestuffs".
4797	6275	11	"artificial fibrics" should be "artificial fibres".
4798	6275	18	Change "clearance from new services a Elberfeld was" to read "credits for buildings at Elberfeld were".
4799	6275	20	"of the Vorstand" should be "of all the technical Vorstand".
4800	6275	23	"ex minus inter peris." should be "ex minus inter peres."
4801	6276	5	"page 62" should be "page 42".
4802	6276	7 & 13	"therapy" should be "therapy".
4803	6276	8	Place quotation marks before last two words "at the".
4804	6276	9	"typhus therapy" should be "typhus therapeuticum". Place period and quotation marks after "tested". Delete "on mice."
4805	6276	10	Line 10 should read as follows: the acridine of Hoechst and then the methylene blue tested on mice with Professor Kikith of

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4806	6276	11	Place quotation marks after "Elberfeld."
4807	6276	12	"methylene blues" should be "methylen blue".
4808	6278	5	"Dr. again," should be "Dr. Buergin,".
4809	6278	6	Insert "the defendant Dr." before first word "Buergin".
4810	6278	18	"the agent for typhus," should be "the bearer for typhus,".
4811	6279	20	Last two words "now happy" should be "how happy".
4812	6279	27-28	Change lines 27 and 28 to read "Kikut By accident when I was in Berlin soon afterwards I was sought quite unexpectedly, as I mentioned before, to discuss with".
4813	6279	30	Change entire line to read "the possibilities to combat malaria in the East".
4814	6280	16	Change last word "anything" to "at all".
4815	6281	16	Delete last word "for".
4816	6282	2	"he told" should be "Mugrowski told".
4817	6283	14	Last two words "tests are" should be "tests are".
4818	6284	6	"typhus asked" should be "typhus and asked".
4819	6284	22	"yes." should be "No."
4820	6284	24	"Document 62" should be "Document 72"
4821	6285	3	"Document 7" should be "Document 71".
4822	6285	6	"Hoerlein Document," should be "Hoerlein Document No. 71,".
4823	6285	31	Last two words "is in" should be "is that in".
4824	6286	9	"The _____ (?) sent me" should be "A request that you send me".
4825	6286	19	Insert "as well as German soldiers," after "front,".
4826	6286	25	"unsuitable subject." should be "unsuitable subjects."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4827	6286	31	"I do not with" should be "I do not wish".
4828	6290	23	"at the same time." should be "at this time."
4829	6290	26	Last word "injec(tions)" should be "infec(tions)".
4830	6290	31	Third word "supposes" should be "the expose". Add "only." after last word "disease".
4831	6291	11	"was very effective against typhus." should be "had been used very effectively against trachoma.."
4832	6291	13	Insert "by" before "Prof. Schlomka"
4833	6291	14	"medical offer" should be "medical assistant".
4834	6291	18	Last word "take" should be "have".
4835	6293	20	"none of which" should be "a part of which".
4836	6294	1	Last word "takes" should be "takes".
4837	6294	15	Change last three words "passed nor suggested" to "asked nor suggested".
4838	6294	21	Last word "objective" should be "objectively".
4839	6294	22	Place comma after first word "consider"
4840	6296	2	"to weight the affidavit was," should be "to weight of the affidavit,".
4841	6296	21	"from his membernot" should be "from his memory and not".
4842	6296	22	"or a copy" should be "or from a copy"
4843	6297	21	Delete "and" before last word "incompetent".
4844	6297	31	Last two words "speending about?" should be "speaking about?"
4845	6298	9	Add "its" after last word "without".
4846	6298	23	"you can say and disvute" should be "can disrute".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4847	6298	24	Change "that this affidavit does not" to "whether or not this affidavit does
4848	6299	2	"discusses" should be "discussing".
4849	6299	6	Place dash instead of period after "in it" and complete sentence with the statement beginning "that is" in next line.
4850	6299	23	"and misunderstanding" should be "any misunderstanding".
4851	6300	14	First word "issueds." should be issued
4852	6300	18	Delete first word "that".
4853	6300	21	Change "out of this affidavit" to "from this affidavit".
4854	6301	16	Delete first word "going".
4855	6301	25	Delete "index is". Insert "of the index" after "second page".
4856	6302	15	"be one of three" should be "B 1034".
4857	6303	10	Change "you did not this," to "you knew this,"
4858	6303	17	Change "give the certain time or the" to read "establish certainly or the".
4859	6304	15	"and this page 63;" should be "English page 63;"
4860	6306	2	"5 cc's." at end of line should be "5 ccm."
4861	6306	9	First two words "the patient" should be "the patients".
4862	6306	10	Last three words "the patient died" should be "the patients died".
4863	6306	15	Change "The Dr. Tondos and Feikel" to read "The Drs. Feikel and Wlodzinski, former inmates,"
4864	6307	12-13	Change from "Is it true" in line 11 through line 12 to read: Is it true that, if one says, as you can see, "after determining the diagnosis, he prescribed these preparations," in a case of

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4865	6307	17	Change first word "perhaps" to "that".
4866	6309	6	Change line 6 to read "associates discussed it with Prof. Kikuth or Dr. Kietzsch. It is also".
4867	6309	10-11	Change "at any rate I did" to "in any case I would".
4868	6311	3	Change "experimental subjects and compatibility" to "and compatibility test".
4869	6311	13	Delete "that by" before "using".
4870	6311	22	After line 22 add the following line: THE WITNESS: Can I speak further?
4871	6314	13-15	Delete as repetition from last word in line 13 "merely" through "reading them" in line 15.
4872	6315	17	Insert the following after last word "Kuehne." in line 17: "Mr. President, I ask that the defendant Kuehne be excused for the rest of the session today so that he can go to Room 57 to speak with his son who has come to Nuernberg about an urgent matter. The Prison Officer has already given his permission for this conference."
4873	6316	30	"Saturday noon." should be "Saturday forenoon."
4874	6319	6	Change "prerequisites" to "assumptions".
4875	6319	21	"Exhibit No. 9" should be "Exhibit No 90".
4876	6320	4	"Document 79" should be "Document 97"
4877	6320	14	"Document 97 is Book-4" should be "Document 97 in Book 4".
4878	6321	7	"Document No. 5" should be "Document No. 4".
4879	6322	12	"he helped care of" should be "he helped to care for".
4880	6322	14	"exappropriated" should be "expropriated".
4881	6322	27-28	Change from "and offer" in line 26 through line 27 to read "and that any additional examination by other counsel be made later. I believe this examination will take about a half hour."

Item Transcript

No.	page	Line(s)	PROPOSED CORRECTION
4882	6323	24/28	Change the entire paragraph to read as follows: A. Yes, of course. In order to make the publication "The People's Health from Blood and Soil" disappear, I had to deal twice with the Reich Leader of Physicians, Gerhard Wagner. And when after a few months this paper was again permitted because it was then published under Streicher's own management, a paper on the same level as the "Stuermer" it was even more difficult to make it disappear.
4883	6323	31	Change comma to period after "have". Begin new sentence with "In"
4884	6324	6	Insert "was a medical man and" after "Herhard Wagner".
4885	6324	6-7	After line 6 and before line 7 insert "which was difficult under Hesse,".
4886	6324	25	Delete second word "our".
4887	6325	7	Change last word "gave" to "got".
4888	6326	5	"I originally had through," should be "We originally had through,".
4889	6326	30	After line 30 add the following line A. I studied medicine.
4890	6327	3	Change last word "in" to "of".
4891	6327	19	Change "with narcosis" to "the narcosis" and insert after it "discovered by me and to report about it. (Editor's note see page 6328, lines 11-12.)"
4892	6328	11	"interpreter said as I am told, he forgot" should be "interpreter as I am told, forgot".
4893	6328	12	Place Quotation marks before and after first three words "that I found."
4894	6328	25	"asphixiation" should be "asphixiation"
4895	6328	28	Change first three words "that didn't harm." to "the ovipan."
4896	6328	30	Last two words "a discovery" should be "the discovery".

Item Transcript

No.	page	Line(s)	PROPOSED CORRECTION
4897	6329	1	Change "AZF" to "evipan". Also change last word "and" to "ones which".
4898	6329	2-3	Place comma after "this one". Change "and that can be seen from any of the present operating rooms." to "and you cannot imagine any operating room without them."
4899	6329	17	"the entire plant." should be "the entire plant".
4900	6329	21	Place comma after first word "preparat:
4901	6329	23	Change "we can't pass the material." to read "could we pass on the material."
4902	6329	24	Insert "that" after first word "us".
4903	6329	30	Place period after "occured" and begin new sentence with "Through". Delete period after "control" and continue sentence with "we".
4904	6329	31	Change line 31 to read "certain that the tablet or ampule contained that which"
4905	6330	1	Change line 1 to read "we put on the level and in the quantity required by us. At".
4906	6331	29	Change "which might not be favorable if the experiments," to "which did not correspond to the expose,"
4907	6332	23-24	"differences in the therapeutic doses should be "difference in the doses for the therapeutic effect"
4908	6333	2-3	Change lines 2 and 3 to read "is meant to show him what secondary effects he might expect from too large doses or individual hyper-sensitivity, where".
4909	6333	9	Change "to show," to "to judge,".
4910	6333	21-22	Change from "prepared by the" in line through line 22 to read "which were as to Dr. Vetter at Dacha by the Scient Department in Leverkusen."
4911	6334	17	Last three words "the facts were" should be "the following facts were".
4912	6335	9	First word "the" should be "an".
4913	6336	7	"a disease" should be "a virus disease"

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4914	6336	9	Place period after "patients". "as emotive" should be "As a motive".
4915	6336	10	Change last word "a" to "no".
4916	6337	11	"1941," should be "1942,".
4917	6337	22	"I do not know it," should be "I do know it,".
4918	6337	26	"as well know" should be "as was well-known"
4919	6338	12	"persons." should be "sickness."
4920	6339	7	Add "salvedin," after last word "including".
4921	6339	9	Change first three words "stream when it" to "stream and which".
4922	6340	13	"the type of testimony" should be "the type of testimony".
4923	6340	18	"II" should be "XI".
4924	6340	31	First word "thereafter," should be "the".
4925	6341	5	Place period after "law". Change rest of line to read "They would my collaboration in economic questions. The only choice".
4926	6342	3	"the Part?" should be "the Party?".
4927	6342	16	Last two words "joined that" should be "joined in that".
4928	6343	1	First two words "You have" should be "There are".
4929	6343	4	Change "you have question," to "there are tax questions,".
4930	6343	5	"I did not deal with these questions" should be "I cannot deal with these questions in".
4931	6343	8	Place quotation marks after "heard." - end of paragraph.
4932	6344	2	"one-part State," should be "one-party State,"
4933	6345	4	Third word "order" should be "other".
4934	6346	20	"Animan" should be "Animal".
4935	6347	15	"16 August 1936" should be "16 August 1933".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4936	6348	20	"blackmail of the Party?" should be "blackmail on the part of the Party".
4937	6350	3	"were called" should be "were not called".
4938	6351	22	"that meeting," should be "those meetings,".
4939	6351	23	"for credit" should be "credits".
4940	6354	22	Change line 22 to read "in the English Document Book I unfortunately did not find these pages. In Book I of the English these two".
4941	6366	7, 8	"Keres" should be "Maurice".
4942	6366	29	"details and" should be "and detail".
4943	6372	5-6	Change lines 5 and 6 to read "(questions, from the documents received up to this time, one could determine some of the answers of part of the examination. On the other hand, the defendant)".
4944	6375	28	Add comma and "if it" at end of line after "of it".
4945	6376	24 26	Delete "or not the right".
4946	6383	17	"of questions" should be "of the questions".
4947	6384	4	Change "not here is just the situation to "not here now;"
4948	6386	19	Insert "it" after "I stated".
4949	6387	20	"Behring" should be "Bayer".
4950	6387	28	Place period after "Dr. Luecher".
4951	6389	19	Change "as an organization," to "from the organizational point of view."
4952	6390	24	Insert "which were to be tested clinically. As far as they come from Elberfeld, the responsibility" after "materials".
4953	6391	1	Place semi-colon after "instance".
4954	6392	13	"I say" should be "I saw".
4955	6392	31	Complete sentence by adding "and received the exposes from Hoechst".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4956	6397	19	Insert "we" after "consistent".
4957	6397	20	Last two words "we are" should be "where we are".
4958	6397	25	"where" should be "Here".
4959	6401	17	"on all conference" should be "in all conferences".
4960	6401	18	"this conferences" should be "these conferences".
4961	6405	6	Change "Meissner" to "Reiter".
4962	6406	20	Change line 20 to read "not usually a way to flog a dead horse."
4963	6408	30	Change first two words "the answers" to "answers as to".
4964	6409	10	Insert "when" after "this time"
4965	6410	24	Change "plants which had to deliver goods to Marburg." to read "plants of Hoechst which had to take care of Marburg,".
4966	6410	25	Change last word "obtained" to "ask for".
4967	6410	26	"to the TEA which was" should be "in the TEA which were".
4968	6412	31	Change last word "usage," to "business".
4969	6413	27	"saw it;" should be "saw them;".
4970	6414	17	"Now that," should be "Now,".
4971	6415	3	"assertion" should be "addition".
4972	6416	15	Change "84, 87" to "33 of the English and 47".
4973	6417	2	"is submitted" should be "was submitted".
4974	6417	3	Last two words "this was" should be "it was".
4975	6417	4	Change "according to" to read "since"
4976	6417	5	Delete "it" before "isn't".
4977	6417	7	"is being" should be "be".
4978	6417	18	"the copy. It is" should be "that That is".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4979	6418	1	Insert "as" after "we find".
4980	6418	4	Place quotation marks after "Demnitz,
4981	6418	30	"its fact" should be "its face".
4982	6419	15	Change "but even through" to "since".
4983	6420	4	"as is criminal and" should be "that is criminal,"
4984	6422	18	Add "that" at end of line after "required".
4985	6422	19	"to be produced more quickly." should be "be produced more quickly."
4986	6422	31	Change "that having" to "since the witness has".
4987	6422	32	Last three words should be "question whether the".
4988	6423	16-17	Change from "can see exactly" in line 16 through line 17 to read "can see that it does not say that he endanger people by inoculation with 3000 dose of Behring vaccine, so that he can say what--".
4989	6423	29	Insert "of medical trials" after "clinical tests".
4990	6423	30	"endangering" should be "endangered". Last three words "who in the" should be "who were in the".
4991	6423	32	"this was the reception person in" should be "there was the receptionist in".
4992	6424	10	Change last word "then" to "which was".
4993	6425	10-11	Delete as repetition "since if they had not intended normal clinical test".
4994	6425	31	Second word "to" should be "for".
4995	6429	31	Place quotation marks after "Institute".
4996	6431	8	"1864" should be 1865".
4997	6431	21	Change "it was not worth my while to there." to "it was not even worth my while to go to Leverkusen because of this matter."
4998	6432	4	Place period after "concluded". Begin new sentence with "In". Delete period after "Lemberg" and continue sentence with "the new".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4999	6432	6-7	Change from "he should" in line 6 through "temporarily" in line 7 to read "I could comply with the wish to dismiss Dr. Goennert temporarily from Elberfeld and to have him transferred to Lemberg."
5000	6433	6	First word "German" should be "Herman".
5001	6433	16	Delete "in" after "distorting".
5002	6433	26	Change last word "donator," to "bugbear,".
5003	6433	27	Change "to get him to assist us in many ways." to "to accomplish certain desires."
5004	6433	29	Delete quotation marks after "Institute."
5005	6436	13	Insert "of Weigl." after "Institute"
5006	6437	26	Second word "you" should be "one".
5007	6437	27	Last word "use" should be "use.".
5008	6437	31	Insert "that" after second word "and".
5009	6439	22	Delete "Now," and begin sentence with "The actual". Last two words "he has" should be "he now has".
5010	6439	23	Add "be the" at end of line after "happens to".
5011	6439	24	"annex the report so that" should be "annex to the report so that now".
5012	6439	25	Change period to comma after "circumstances". Continue the sentence with "we are".
5013	6439	26	Change comma to period after second word "with".
5014	6440	7	"Gochring Works" should be "Behring Works".
5015	6440	9	"B.G. cultivated" should be "egg-cultivated".
5016	6442	5	"It can" should be "I can".
5017	6442	24-25	Place period after "expert" in line. Begin new sentence with following "That", and correct end of line beginning of line 25 to read "The neither Dr. Lautenschlager nor".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5018	6448	6	Complete this line by adding the sentence "Some offices sent two representatives."
5019	6449	23	Last word "management" should be "establishment".
5020	6451	18	Insert "patent" after "French".
5021	6454	5	"as the time" should be "at the time".
5022	6454	31	"the the preparation" should be "that the preparation". Delete last word "Prof."
5023	6455	1	Delete first three words "Kikuth for"
5024	6456	8	Change "They had to contain" to "They were good because they contained".
5025	6459	6	Delete fourth word "has".
5026	6459	14	Change comma to period after last word "witness".
5027	6459	15	Place "Council should" at beginning of line and continue the sentence with "let him".
5028	6460	14	"as it was satisfactory" should be "satisfactorily concluded."
5029	6461	2-3	Insert the two following lines after line 2 and before line 3 Q. Were you a member of the SS? A. No.
5030	6461	21	Last two words "his activity?" should be "his former activity?"
5031	6465	7	"Tribunal tires" should be "Tribunal tries".
5032	6466	27	Third word "brought" should be "bought".
5033	6468	5	Insert "tests or" after "comparative" Place parentheses around "vergleichsversuche".
5034	6469	19	Change "his troops." to "the inmates. Insert "We considered him as a surge of his unit but" after "inmates." and continue sentence with "we had".
5035	6469	27	First word "as" should be "on".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5036	6471	2	"with concentration" should be "were concentration".
5037	6471	15	"cleanly" should be "clearly".
5038	6474	2	"reporint" should be "reporting".
5039	6480	4	Change last two words "not tests." to "therapeutical treatments."
5040	6483	1	Delete "not really".
5041	6483	4	"to go with this?" should be "to go in with this?"
5042	6483	22	Change first word "state" to "quote".
5043	6485	21	Change line 21 to read "carried out also in the legal organization of Farben?"
5044	6485	22	Insert "also those;" after "Yes,". Change "department" to "organization"
5045	6486	1	"become enormous" should be "becomes enormous".
5046	6487	24	Insert "and" before last word "especially".
5047	6487	25	Delete second word "the". Change peri to comma after "matters".
5048	6488	5	Last three words "meet each else(wher" should be "met each other else(where)"
5049	6490	1	Change "with the aid" to "in view".
5050	6491	15	Last word "if," should be "was,".
5051	6491	16	"How, if now special" should be "Now, if no special".
5052	6492	8	Change entire line 8 to read "with the request to examine the contracts in respect from the technical point of view. Then there would come for instance the answer that the contract in itself was good and reasonable."
5053	6493	4	Insert "that I was" before "in charge".
5054	6494	10	"in a trial" should be "in a law suit".
5055	6494	26	Change last word "held" to "met at".
5056	6496	13	"on this subject" should be "on the subject". "whether in such an enormous enterprises" should be "whether such enormous enterprise".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5057	6496	14	Delete first word "this".
5058	6497	10	Change "the Council of Plant Manage to read "of the Betriebsfuhrer Conference." Complete page with the following paragraphs after line 10: Q. Did you get the minutes of the meetings of these Committees? A. I received the minutes of the TEA and of the KA, but I do not know exactly if I received them always or only in the cases when I attended the meetings. I never got minutes of sessions of the Advisory Council of Entrepreneur or of the Betriebsfuhrer conferences.
5059	6498	30	Third word "say" should be "saw".
5060	6499	27	Change "Copyrights and Patents." to "Industrial Property and Copyrights
5061	6500	8	"Right Mental" should be "Right of Mental". Insert the following note after line 8: (Editor's Note: German is "Ausschuss fuer das Recht des geistigen Schaffens" which is translated as "Committee for the Law of Copyright" in the indictment.)
5062	6501	3	Place comma after "Committee" and delete next two words "of the".
5063	6502	3	Change "Then the description in general," to read "The lawyer Brendel with the description in general of"
5064	6502	19	"supplemental" should be "supplower"
5065	6503	26	Insert "of the fields" after "the middle".
5066	6503	29	"There are parts of the statistics" should be "These are parts of the annually prepared statistics".
5067	6504	4	Third word "mind" should be "mine"
5068	6504	20	Change period to comma after "subjects". Continue sentence with "in the first".
5069	6505	4	"that--" should be "--that".

Item No.	Transcript page	Line(s)	Proposed Correction
5070	6506	21	insert "something" after "to bring".
5071	6506	22	Change period to dash after "Tribunal". Continue the sentence with "we think".
5072	6506	24-25	Change "incompetent except for their improper as well as incompetent connection" to read "competent in those points which we do not object to".
5073	6507	8	"that it is" should be "that is".
5074	6507	9	"that there is very" should be "and there is very".
5075	6509	2	"Lasach" should be "Versailles".
5076	6509	21	Change "that office" to "the office of the Central Committee".
5077	6512	14	"reserve office," should be "reserve officer,".
5078	6514	25	"endengers" should be "endangered"
5079	6516	14	"economic reason." should be "economic treason."
5080	6516	19	"not until afterwards apparent." should be "not apparent, not even afterwards."
5081	6516	23	"under Soda Fabrik" should be "and Soda Fabrik".
5082	6517	7	Insert "but" before last word "such".
5083	6518	15	Change "on a world enterprise" to "for our world enterprise".
5084	6518	26	Change comma to period after "(sug)gestions". Begin new sentence with "One had".
5085	6519	15	Change "reports an invention," to read "files an application for an invention,".
5086	6520	6	Place quotation marks before "Persona".
5087	6520	10	Place quotation marks after "provisions."
5088	6520	23	Change first four words to read "Filing of applications for patent abroad,".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5088	6521	22	"many patents" should be "many secret patents".
5090	6522	24-25	Change "regards to" to "treats".
5091	6522	29	"1942" should be "1946".
5092	6523	5	Delete period after last word "had" and complete the sentence by adding "due to the measure."
5093	6523	14-15	Change "says that it is important, extremely important," to "claims that, on the basis of his repeated talks with the Army Ordnance Office and especially with its chemical expert Dr. Hagemann, it is especially important,".
5094	6523	22	"dagger" should be "danger".
5095	6523	25	Delete comma after "viewpoints".
5096	6523	26	Place comma after "considered".
5097	6523	31	Place quotation marks before "The questions".
5098	6523	32	Place quotation marks after last word "up,".
5099	6524	1	Change "makes" to "lists".
5100	6524	31	Change comma to period after "agreement". Begin new sentence with "Until".
5101	6525	1	Delete quotation marks at end of line after "us"
5102	6525	2	No new paragraph, continuation of quotation. Begin sentence with "Just so, a" instead of "A".
5103	6525	3	Place quotation marks after "poly-styrol."
5104	6525	4	Change period to comma and insert "and" after "general".
5105	6526	10-11	Change period to comma after "Law" and continue sentence with "on pages 100 to 105" in next line.
5106	6526	15	Change comma to period after "193". New sentence should begin "On page 107, you will find".
5107	6526	15-17	"of essential" should be "of the essential".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5108	6526	17	Insert "of an invention to National Defence" before first word "is".
5109	6527	1	Delete third word "that".
5110	6527	4-5	"and in part, worked with" should be "which in part, concerned".
5111	6527	6	"1940" should be "1941."
5112	6527	14	Delete "event".
5113	6527	15	Changed last two words "worked with" to read "a collaboration with".
5114	6527	22	"dictated note." should be "dictation note."
5115	6529	26	Delete last words "in offering".
5116	6531	5	"1938, directive" should be "1937, directed".
5117	6531	6	"1939." should be "1937."
5118	6531	11	"1938," should be "1937,".
5119	6531	22	"detailed discussion" should be "detailed oral discussion".
5120	6532	2	"interest" should be "cooperation"
5121	6532	12	Insert "(Editor's Note: See line 25 ff. below)" after second word "mergers".
5122	6532	16	Insert "which constitute an abuse of the patent monopoly" after "contracts"
5123	6532	17	Place period after "America" and delete "which constitute an abuse of the patent monopoly."
5124	6532	24	Insert "the" before "Standard Oil".
5125	6533	11	Change period to comma after "contracts".
5126	6533	12	Delete first word "Certainly".
5127	6533	13	"200" should be "2000".
5128	6535	1	"a syndicate, whether a cartel or not" should be "a syndicate or cartel".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5129	6535	24	First word "same" should be "some".
5130	6535	25	Delete "would" after "people".
5131	6535	28	"it existed." should be "it exists."
5132	6535	5	Change "with the oil executives." to "in the oil fields."
5133	6536	8	"as early as" should be "as late as".
5134	6536	13	Change the last four words "in that country for" to "for machine equipment in".
5135	6537	16	Delete "conclusions of".
5136	6538	15	Change "obligations to grant licences might exist" to "obligatory licenses might be given".
5137	6539	5	Delete first two words "so enormously".
5138	6539	9	Delete "enormously and".
5139	6539	10	"protecting patents." should be "patent protection."
5140	6539	13	"is produced" should be "be produced".
5141	6539	22	Change "to protect the patent products" to "of patent protection".
5142	6539	31	Change "products" to "protection"
5143	6540	7	"are particularly severe," should be "is particularly oppressive,".
5144	6541	4	Change "the document" to "the indictment".
5145	6541	22	"Birch," should be "Berge,".
5146	6542	23	"a very important" should be "an important".
5147	6545	16	Last word "reaching" should be "far-reaching".
5148	6545	19	Delete last word "it",
5149	6546	10	Change "use of Farben" to "fo. oil".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5150	6546	16	Delete comma after "know-how".
5151	6546	18	Delete comma after "forget it".
5152	6546	23	"a quality that is 50-50." should be "equality, that is 50-50."
5153	6547	14	Insert "(Editor's Note: See page 6549, lines 4-5 for proposed correction.)" after "too much." "I do not know" should be "I do not know".
5154	6548	4	Delete "piece of".
5155	6549	26	"I speak" should be "I will speak"
5156	6550	4	Change "in the industry of New Jersey," to "as a holding company in New Jersey."
5157	6551	3	Change period to comma after "countries". Continue sentence with "in a sense a division of" instead of "In a way a Division of".
5158	6551	4	"Oil for Standard Chemistry for Farben," should be "oil for Standard, chemistry for Farben,".
5159	6551	8/9	Change "preeminent position in the field of Chemistry," to "in the oil field an Standard acknowledged Farben's outstanding position in the chemical field,".
5160	6551	18	Second word "eases" should be "case".
5161	6551	25	Change "working out" to "treatment".
5162	6553	4	Place semi-colon after third word "desk". "experience of" should be "experience in".
5163	6553	16	"that mutual" should be "that the mutual".
5164	6553	25	Change "exchanged" to "received".
5165	6553	29	"War Ministry" should be "War Department".
5166	6554	10	Change "meetings" to "many things".
5167	6554	22	Delete quotation marks after "difficulties." and before "We".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5168	6554	23-24	Place comma after "Mostly". Change "I can say almost we do" to read "one can say nearly always, we get the permission,".
5169	6554	25	Place comma after "rather late".
5170	6555	4	Last word "disloyalty" should be "disloyal".
5171	6555	5	"of the Parben." should be "on the part of Parben."
5172	6560	29	Change period to comma and insert "Exhibit 15." after "page 138".
5173	6561 ff.	3 ff.	"Yasco" should be "Jasco".
5174	6562	1	"as you can" should be "which you can".
5175	6564	13	"Yasco" should be "Jasco".
5176	6564	28	Delete period after "A". This is continuation of answer beginning on line 17 and should read "A Joint American".
5177	6565	1	"to them" should be "to it".
5178	6565	2	"they were" should be "it was".
5179	6565	4	Last word "extense" should be "expense".
5180	6565	13-14	Change lines 13 & 14 to read "to a third party, then the originating party should transfer its patent rights to Jasco including all the".
5181	6565	21-24	Change "brought" in line 21 through line 24 to read "brought in the process; then reimbursement of developing costs had to be settled before the process was brought in and before patent rights were transferred to Jasco; this is the case when in agreement with Jasco one of the parties had developed the process himself at the expense of Jasco."
5182	6567	7	"out enterprises" should be "our enterprises".
5183	6567	10	"contract." should be "fact."
5184	6567	14	Delete comma and add "in Germany" after last word "Jasco".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5185	6567	15	Third word "their" should be "Jasco's".
5186	6567	23-29	Change entire paragraph to read as follows: A. If the development work was not done by Jasco itself, but for Jasco by I.G., which was true in the Jasco case, the procedure was like this: if and when - as the contract says - "the commercial exploitation is in order", meaning that there was a complete process which could be licensed to third parties, then Farben had to transfer respectively general licensing rights to Jasco, including know-how. Naturally at the same time reimbursement of costs for development work had to be settled.
5187	6568	21	Insert "had to be made on a large scale. After these" after second word "tires". "postponed to the summer" should be "about summer".
5188	6568	24	Change "This we did not merely want, to exchange" to read "It was not only a question of exchanging".
5189	6568	27	Add at end of paragraph "(Editor's Note: See page 6569, lines 5 ff. for proposed correction.)"
5190	6569	15	Insert "by cable" after "requested"
5191	6568	16	Place period after "carried on" and delete "by cable."
5192	6569	20	"limited that" should be "intimated that".
5193	6569	21	Change "That they spoke about" to read "With regards to".
5194	6569	22	Change last three words "they meant this;" to read "the following was meant:".
5195	6569	25	Add "from England & France." after "blocked off".
5196	6570	1	Insert "in these countries" after "negotiations".
5197	6570	2	"any war work on their patent," should be "any work on their patents,".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5196	6570	3	Insert "or infringed," after "attacked".
5197	6570	8	"which the United," should be "which comprised the United States,".
5200	6570	9	Delete "would receive,".
5201	6570	13	"had asked --" should be "had asked for it." Begin new sentence with "It was".
5202	6570	14	Place period after "established" Change next words "with a result to "Therefore".
5203	6570	16	Change "patent only in" to "patents not earlier than".
5204	6570	27	"of the United States." should be "from the United States."
5205	6570	28	Change last two words "the fact to read "after".
5206	6570	29	Delete first word "that". Change "no products anyhow could be" to "know-how could not be".
5207	6570	30	Insert "any more," after first word "exchanged".
5208	6571	1	Change "with that the transfer of patents." to "who did transfer the patents."
5209	6571	11	Delete "It was quite acceptable that". Begin new sentence with "If all".
5210	6571	18	Change comma to question mark after second word "yourself". Begin new sentence with "If these". "is extremely" should be "are extremely".
5211	6571	23	"to be worked in" should be "worked out".
5212	6571	26	Change line 26 to read "petrol. could not be licensed before the Autumn of 1939, that".
5213	6571	27	Delete "it had been".
5214	6571	29	Change last word "contracts" to "patent rights".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5215	6571	30	"De Hague" should be "the Hague".
5216	6572	1	"ho how" should be "of know-how".
5217	6572	16	Delete second word "as". Add "which appeared in America." after last word "book".
5218	6572	19	Delete "then" before "the matter".
5219	6573	3	Change line 3 to read "the view-point of the partner of Standard Oil and its competent gentlemen."
5220	6573	8	Change "that fact, on pages" to read "that the chapters".
5221	6573	9	Change entire line to read "this book, which are the only ones referred to by Mr. Howard, the only ones which deal with the affair under".
5222	6574	4-5	Change "and there a particular leg department for the dyestuffs." to "and of their legal departments."
5223	6574	5	Change last word "they" to "Loverkuen".
5224	6574	6	First word "were" should be "was". Delete "Dyestuffs".
5225	6574	16	"after the occupation" should be "because of the occupation".
5226	6574	18	Change "you have to think about this thing." to read "certainly not. One must realize how the matters were."
5227	6574	21	"to fix the date, it might" should be "to fix a date, which might".
5228	6574	22-26	Change from "showed that" in line 23 through "it was not the task" in line 27 to read: "on the most difficult problems in this very meeting, showed that a long preparation was necessary. It is quite impossible that in connection with Czechoslovakia the Legal Committee was suddenly convened. There were ten different points dealing with quite other questions. Furthermore it was not the task".
5229	6574	27	Change "to correct resolutions" to "to make resolutions".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5230	6575	5	Third word "their" should be "another".
5231	6575	7	Last word "this" should be "it".
5232	6575	8	Change "under a" to "in this".
5233	6575	9	Delete "in a country".
5234	6575	14	"there was" should be "there were".
5235	6575	16-17	Change "that already had what" to "was done which".
5236	6575	17	Delete "That," and begin new sentence with "Of course,".
5237	6575	19	First word "was" should be "war".
5238	6575	20	Last two word "has always" should be "have always".
5239	6575	22	Delete comma after second word "transport".
5240	6575	20	Insert "of the English," after page 87".
5241	6576	30	"gold clause process" should be "gold clause law suits".
5242	6577	2	"gold process" should be "gold clause law suit." Change "It is different" to "It is difficult".
5243	6577	4	"that concerns" should be "that concerned".
5244	6577	8	Change second word "has" to "had".
5245	6577	9	Place period at end of line after "payment".
5246	6577	10	Begin new sentence with first word "In". Change period to comma after "States" and continue sentence with "the dollar".
5247	6577	12	Change "only needed" to "had to pay only".
5248	6577	24	Change first word "have" to "had". Change "German citizen," to "German guarantor,".
5249+	6577	26	"consider possible" should be "consider as impossible."
5250	6577	28	Change "against any confiscation by the Sheriff." to "like an unreliable debtor against execution."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5251	6577	30	Change "and in another case the guarantor might have to pay gold" to read "and to have the guarantor pay in gold".
5252	6578	6-8	Delete "A. Yes." in line 7 and "Q.-" in line 8. Line 8 is continuation of question and should follow after "United States?" in line 6.
5253	6578	8	Change "trial to force" to "law suits to enforce".
5254	6578	11-12	Change lines 11 & 12 to read "only paper dollars, the shares were bought and an agio was paid in countries where one got gold dollars and there was a big mix-up in the jurisdiction."
5255	6579	10	"clauses in it" should be "clauses in them",.
5256	6579	13	"but we will" should be "and we will!"
5257	6582	3	"at par value." should be "at book value."
5258	6582	7-8	Change lines 7 and 8 to read "the same dividends Farben paid its shareholders, I.G. Farben was obligated to pay enough".
5259	6583	11	Insert "for I.G. Chemie Shares." after "exchange".
5260	6584	14	"I have in the" should be "I have offered in the".
5261	6587	22	"except Germany," should be "besides Germany,".
5262	6587	30	Place comma after last word "compulsion".
5263	6590	5	Delete "certain".
5264	6591	31	"it different" should be "15 different"
5265	6593	1	"European Patent" should be "A European Patent".
5266	6593	10-11	"Bureau International reunie pour la Propriete Industrielle, litteraire et artistique" should be "Bureaux Internationaux Reunis pour la Protection de la Propriete industrielle, litteraire et artistique"
5267	6593	12	Insert "Protection" of" after second word "for".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5268	6593	27	"to given consideration." should be "to ^{be} given consideration."
5269	6593	32	"in regard all" should be "in regard to all".
5270	6595	13	Add "be" ad end of line after "may".
5271	6598	6	Delete "Ten days on end" and begin new sentence with "There were".
5272	6598	8	Insert "for days and days." after first word "(ques)tion".
5273	6600	27	Last two words "on finger," should be "one finger,".
5274	6601	13	"nothing to," should be "nothing to do,".
5275	6602	5	Change period to comma and insert "which was to be its duty" after "Russia".
5276	6602	7	"of 50 %" should be "of more than 50 %"
5277	6602	8	Delete "smaller"
5278	6602	27	Insert "Firstly," after "the following:" Continue sentence with "it was".
5279	6603	19	Insert "I" before last word "do".
5280	6603	21	Change semi-colon to comma and insert "and" after second word "Boruta". Change comma to period after "lease" and delete "as I recall."
5281	6604	2	Insert "(Editor's note: ^{translation} See page 6605, lines 1-7, for proposed correction,)" after first word "ocassion".
5282	6604	5	Insert "(Editor's Note: See page 6605, lines 1-7, for proposed translation correction,)" after "occession".
5283	6604	10	Insert "in my opinion" after "arose". Place colon at end of line after "presentation".
5284	6604	11	Delete "as far as I was concerned:".
5285	6604	22	"had always been" should be "was to be always"
5286	6604	22-23	"had been" should be "were to be".
5287	6605	20	"dealt with a" should be "dealt with by a".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5288	6606	30	Change "visitor" to "guest".
5289	6610	3	Delete "charts were on hand". Add "charts" at end of line after "aid of".
5290	6610	4	Delete first word "which". Last three words "they way in" should be "the way in".
5291	6610	5	"were explained" should be "was explained".
5292	6611	14	Last three words "from the Standard" should be "that the Standard".
5293	6614	9	"secceral times." should be "several times."
5294	6614	14	"Kining Administration," should be "Bergwerk Administration,".
5295	6614	27	Delete "the cooperation with" and insert "of" before "Fuerstengrube".
5296	6614	28	Add "and the further cooperation with it." to complete sentence after "m.b.H."
5297	6616 should be Page 6615, page 6615 should be page 6616		
5298	6615 (ex-6616)	11	Last three words "in which its" should be "to which its".
5299	6615 (ex-6616)	28	Change "compete and harmony" to "complete harmony".
5300	6620	20-21	Change "and usual by the Anorgana concluded that contract and it was" to "concluded usually by the Anorgana which was".
5301	6621	7-8	Change "you saw a concentration camp for the first time there;" to read "you saw there for the first time concentration camp inmates working;".
5302	6621	13	Last two words "been come" should be "become".
5303	6621	23,31	"Dr. Dilter" should be "Dr. Diltey".
5304	6621	25-27	Change sentence from "that all of this" in line 25 through end of paragraph in line 27 to read "that you checked, so to speak, in a general way all the members of the legal staff as to their personal and professional abilities?".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5305	6622	2, 3	"Dr.Dilter" should be "D r. Diltey".
5306	6623	16	Change period to comma and add "and these civilian requirements included industrial consumption." after last word "requirements."
5307	6624	18	Insert "as to the first subject, I definitely said that I knew nothing of it;" after first word "Yes,".
5308	6625	1, 9	"Central Administration Office" should be "Office of the Central Committee".
5309	6626	25	"I was a member." should be "I was not a member."
5310	6627	12-15	Change from "states" in line 12 through end of paragraph in line 15 to read as follows: states: "Text of the statement of Schmitz follows." Then there's a paragraph with this statement of Schmitz which Dr. ter Meer contests and he is right to do so, and this statement contains the sentence "I believe--"; this sentence does not refer to ter Meer but to Dr. Schmitz and it's just as incorrect here as it is in a whole number of other pages, this statement of Dr. Schmitz.
5311	6628	6	Place comma after first word "possibly".
5312	6628	16	Insert "I do not recall it." at beginning of paragraph before "It may".
5313	6628	17	Delete "of the existence of".
5314	6628	23	"I had you" should be "I hand you".
5315	6628	31	Add "the" after last word "and".
5316	6629	1	"I will try to" should be "I will try".
5317	6630	22	Delete "heavy" before last word "Industry".
5318	6630	23	Insert "process" after "important".
5319	6631	1	Change Line 1 to read "A. I know only that part of the work of the Vermittlungsstelle W", deleting period at end of line.

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5320	6631	2	Change first word "That" to "which".
5321	6631	17	Place period after "knew him".
5322	6631	18	Place period after "plants" and begin new sentence with "For as".
5323	6631	21-22	Change "I am not able to produce anything further." to read "I no longer followed."
5324	6632	1	Change "One minute; that" to read "Yes" Begin new sentence with "An agreement".
5325	6632	3	Place comma and insert "Mr. Verbeck," after second word "Leverkusen".
5326	6632	5	Delete last word "and".
5327	6632	8	"classified" should be "clarified".
5328	6632	9-10	Change "technical matters." to "social matters."
5329	6632	29	"it was nothing" should be "there was nothing".
5330	6632	31	"of an perhaps" should be "and perhaps".
5331	6634	5	"know of them." should be "knew of it."
5332	6634	8	"constructs" should be "constructed".
5333	6634	9	"commissions" should be "commissioned".
5334	6634	10	Change "and grants the license." to read "and received the license for it."
5335	6635	25	"note B.O. unlaut," should be "note Boe,".
5336	6635	26	Insert "if it was not very important and" before last word "I".
5337	6635	27	Change "if somebody asked" to read "to ask".
5338	6637	7	Change "a capital of" to read "a re-compensation of".
5339	6639	30	Change last words "which I ask" to read "and I ask".
5340	6640	4	"about Legal" should be "about the Legal".
5341	6640	6	"usually to make there" should be "usual to make three".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5342	6640	8	"to three" should be "to the three".
5343	6640	12-13	Change "sent in his branch" to "sent to his Sparte".
5344	6640	18	Change "they passed me" to "they went through my office".
5345	6640	20	"my table." should be "my desk."
5346	6640	30	Change "leave my desk until my return but sent " to read "remain on my desk until my return but would be sent".
5347	6640	31	Delete "after if" before last word "I".
5348	6641	2	Delete "they were carried by the".
5349	6641	3	Add "had taken care of them." after "contract".
5350	6641	7	Change "there is a" to "that a".
5351	6641	8	"in itself important" should be "in itself might be important".
5352	6641	9	"that those" should be "that of those"
5353	6642	5	"licensees," should be "licensing".
5354	6642	28	Change third word "Department" to "agency for them".
5355	6644	16	Delete last word "licensees".
5356	6645	1	"recall in" should be "recall that in".
5357	6647	14	Change last two words "of a" to "the"
5358	6647	16	Insert "this conference?" after "in relation to".
5359	6648	21	Change first word "which" to "was".
5360	6649	2	"told us that" should be "told us that".
5361	6650	2	"where he" should be "when he".
5362	6653	13	"other gentlemen who formally was a business manager" should be "of the gentlemen who formally were business managers".
5363	6653	20	"received lawyers without any knowledge." should be "engaged lawyers without my knowledge."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5364	6654	6	"that he stated" should be "and he stated"
5365	6655	18	Change "his interests" to "one's interests".
5366	6656	27	"was prompted" should be "were prompted".
5367	6657	1	Change "bold clause problem to" to "gold clause problem did".
5368	6657	7	Change "with nations that devaluated" to read "other nations devaluated".
5369	6657	10	Change "credit" to "loan".
5370	6657	11	Change "pay their own debts." to read "guarantee this loan."
5371	6657	23	"I may be" should be "It may be".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5372	6659	27	"Exhibit 1807" should be "Exhibit 1870".
5373	6659	28	"Exhibit 1861" should be "Exhibit 1871".
5374	6661	10	"economically" should be "for economic".
5375	6663	6	"the exhibit which has yesterday been" should be "the exhibits which yesterday were".
5376	6663	7-8	"as a proper exhibit." should be "as proper exhibits."
5377	6663	8	Insert "them" after "to have".
5378	6663	10	Change "another copy is" to read "additional copies are".
5379	6664	5	"and the last" should be "in the last".
5380	6664	7	Insert "crisis" after first word "September".
5381	6664	17	"NI-142247" should be "NI-14024,".
5382	6667	2	"the Chairman of the Legal Committee" should be "the head of the Legal Department".
5383	6667	17 and 23-24	"against measures of sequestration," should be "against writs of attachment or execution", with quotation marks after "execution".
5384	6667	18	Place quotation marks before "the safeguarding". "of war" should be "against war".
5385	6668	3	Insert "(Editor's Note: See page 6667, lines 17 and 24-25 Translation there corrected.)" after first word "sequestration."
5386	6668	5	Insert "are" before "compulsory measures" outside of the quotation marks.
5387	6668	9	Place quotation marks after "Zwangsvollstreckungsmaßnahmen".
5388	6668	23	Change "none whatsoever." to "nothing."
5389	6669	1	"that regulations" should be "that if regulations".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5390	6669	2	Delete "and" after "secrecy".
5391	6669	19	Change "I didn't entent to say it that way." to read "I didn't say that."
5392	6669	24	Change "single" to "older".
5393	6669	26	Change "personal order for conscription" to "personal mobilization order".
5394	6670	14	Delete "that" after "Secondly,". Insert "(Editor's Note: See lines 19 ff. below.)" after "development".
5395	6672	8	Second word "lead" should be "led".
5396	6672	12	"Mr. Howers" should be Mr. Howard".
5397	6672	20	Place period after "that" and delete next word "for". Begin new sentence with "About".
5398	6673	22	Delete "and" after "Belgium".
5399	6674	7	Change "That is all I" to read "Other, wise I don't".
5400	6674	8	Delete period and add "being consulted" after "remember".
5401	6674	18	Delete "It's the" and place quotation marks before last word "Legal".
5402	6674	19	"and the legal" should be "and legal".
5403	6674	20	"by Dutch law." should be "of Dutch law."
5404	6675	3	"Prosecution Documents" should be "Prosecution Exhibits".
5405	6676	8	Change entire line 8 to read "matter which was reported briefly about Boruta in the Vorstand and I".
5406	6676	13	"on the drawing of charters of" should be "in the drawing of charters for".
5407	6676	17	Change third word "by" to "regarding". Add "referring to synthetic rubber" at end of line after "matters".
5408	6676	25	"he had to assist" should be "we should assist".
5409	6678	6	Change "a regular visitor" to "regularly a guest".
5410	6678	13-14	Change "everything under the sun" to "all possible things".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5411	6681	31	"IT offices." should be "I.G.offices."
5412	6683	21	"officers." should be "offices."
5413	6683	29	Paragraph should end with "three Spartes." Begin new paragraph with "Q. This paragraph re(fers)"
5414	6686	13	"is not affected by the contract." should be "are not affected by the expiration of the contract."
5415	6686	15	Place quotation marks before "Orgacid". "is to keep" should be "will keep".
5416	6686	16	Change "the Farben processes strictly secret." to "Farben processes, experiences, and deliveries, strictly secret." and place quotation marks after "secret".
5417	6686	19	Change "I believe that will suffice." to "will that suffice?"
5418	6686	21	Change "That is paragraph 5." to "Then there is paragraph 5."
5419	6691	31	"near Oder" should be "near the Oder".
5420	6693	17-18	Change "was not incorporated into a special company." to read "had not the special form of a special company."
5421	6693	21	"Any holdings" should be "Many holdings"
5422	6693	22	Second word "formerly" should be "formally".
5423	6693	25	Change "very obvious." to "various."
5424	6694	12	Change "completely" to "merely".
5425	6694	16	Insert "that were handled" after "affairs".
5426	6695	8	Change third word "fuite" to "the suit:". Delete comma after "A.E.G."
5427	6696	12-13	Change sentence from "That is:" in line 12 through "20 December, 1937" in line 13, to read as follows: It is the meeting of the Legal Committee of 15 November 1938. "2. Gold Clause Litigation: In connection with Silcher's report in the meeting of 20 December, 1937,"
5428	6696	18	Add "Any more?" at end of line after "acute."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5429	6696	28	Delete quotation marks after "abroad" and before "involves". "--Versten went on--" should be "--as Versten went on to say--".
5430	6697	3	Place quotation marks before "The problem". Delete quotation marks before last word "as".
5431	6697	4	Delete quotation marks before "involves". Place quotation marks after last word "questions."
5432	6697	11	Change "Q." to "A" at beginning of line.
5433	6697	18	Change "pardon" to "apology".
5434	6697	19	Change "has been made" to "has been put".
5435	6700	13	"previously" should be "previous".
5436	6701	3	Add "I beg you will excuse me if I claim your Honor's patience again." at end of line after "afternoon."
5437	6702	8	"upheld" should be "hold".
5438	6702	12	Change "asked for" to "nominated".
5439	6702	13	Delete "to be placed there".
5440	6702	28	"I have said" should be "I said".
5441	6702	32	"that the contract" should be "the contract".
5442	6703	15	Change "specific development of such proposals was left to" to read "work on specific cases remained with".
5443	6703	18	Add "done" at end of line after "matters".
5444	6704	21	"for ter Meer" should be "from ter Meer". Insert "a" before "quotation".
5445	6708	1	Change semi-colon to dash after third word "cases".
5446	6708	14	Place comma after "it was" and change last word "is" to "was".
5447	6708	17	"was merely" should be "it was merely".
5448	6709	5	"On the other hand" should be "On the one hand".
5449	6710	2	"finding effect" should be "binding effect".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5450	6710	7	Delete "and" after "may be worth".
5451	6711	30	Delete comma after "as we do".
5452	6712	11	Change period to comma after "do-defendant". Continue sentence with "if he".
5453	6712	30	Third word "had" should be "has".
5454	6719	26	"Chemical workers" should be "chemists".
5455	6719	26	"Communitis" should be "Community".
5456	6721	6	"page 143" should be "page 173".
5457	6723	6	Delete "The English did not receive them."
5458	6723	15	Add "and furthered it," after last word "Plant,".
5459	6724	5	Delete "after" after "mentions that".
5460	6724	9	Insert "him" after "nicknamed".
5461	6724	12	Last word "the g" should be "his".
5462	6725	5	Insert "of Farben," after "outside".
5463	6725	15	Delete comma after second word "secrecy".
5464	6726	8	"Dr. Kregler," should be "Dr. Krekeler,"
5465	6726	14	"this dyestuff" should be "these dyestuff".
5466	6726	18	Last two words are "Uerdingen to".
5467	6726	30	Place comma after "States". Change "I preferred to work" to "I also worked now, according to my inclination".
5468	6727	13	Change "I worked only" to read "I worked practically exclusively".
5469	6727	30	"Monte Cattini," should be "Montecatini".
5470	6728	6	"Durant-Bouvenant" should be "Durand-Huguenin".
5471	6728	13	Delete "firm" after "Graselli".
5472	6728	21	"the Aniline Works," should be "the General Anilin Works,".
5473	6730	15	Place comma at end of line after "say".
5474	6731	1	Last two words "rowing clubs" should be "rowing and alpine clubs".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5475	6733	7	Insert "allegedly" after "because".
5476	6733	24	Last two words "come from." should be "came from."
5477	6735	15	"was just as much my business" should be "was for me exactly the same".
5478	6735	29	Add "when" at end of line after "before--".
5479	6736	7	"consider his" should be "consider him".
5480	6737	2	Delete "is" after first word "Meer".
5481	6737	21	Delete quotation marks around first word "borrowed" Insert "it from" after first word "borrowed". Delete "to go in his place"
5482	6737	22	Delete "there" after "hear that".
5483	6738	13	Change period to comma and insert "Document 19, Exhibit 12." after "Dr. Schmoll".
5484	6738	14	"about in a meeting" should be "about a meeting".
5485	6740	14	"underneath" should be "under".
5486	6741	15	"as it is concerned it proposes" should be "as they are concerned they propose".
5487	6745	15	"page 58" should be "page 78".
5487 a)	6745	17	Change "that he combatted Economic Party Measures" to read "that he sharply combatted the ever increasing planned economy".
5488	6745	23	Change "he did not hold with" to "he detested".
5489	6745	32	Change "the Verdingen Railway Car Factory" to read "the Verdingen Waggonfabrik, on the Aufsichtsrat, of which ter Meer was a member."
5490	6746	19	Change line 19 to read as follows: Meer who said "Even if it should be possible for you to realize the army's program,
5491	6746	23	Place period and quotation marks after "scales." Change rest of line to read "The affiant declares that the officers were enraged about this statement and that it was interpreted as a sign that ter Meer was".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5492	6746	30	Insert "without considering the service personnel who were present in the dining room," before "Dr. ter Meer".
5493	6747	6	"matters connection" should be "matters in connection".
5494	6748	21	Change period to comma after "American" and complete sentence with "through the mediation of Dr. ter Meer."
5495	6749	4	Change semi-colon to comma after last word "affaires", and add "including the so-called training courses"
5496	6750	31	Last words "Exhibit 31." should be "Exhibit 31."
5497	6752	8	Change "it had" to "it was expected to have".
5498	6753	20	Change first word "important" to "member".
5499	6754	1	Insert "Berufsgenossenschaft Chemische Industrie" after "head of the". Place parenthesis before "Chemical".
5500	6754	2	Place parenthesis after "Professional Organization".
5501	6754	3	"an official" should be "a semi-official".
5502	6754	4	Change "secures" to "insures".
5503	6755	4	Change "which I did." to "which I was."
5504	6755	24	Place period after second word "industry". Change next word "which" to "it".
5505	6756	24	Add "(Interessengemeinschaft der deutschen Färbefabrikanten)" after last word "factories".
5506	6757	10	"production of German dyestuff" should be "position of German dyestuff".
5507	6757	11	Add "creation of the" after last words "for the".
5508	6757	12	Change "industry" to "interests".
5509	6757	17	Change "Germany" to "England".
5510	6757	19	"where confiscated." should be "were confiscated."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5511	6757	22	"abroad not produce," should be "abroad could not produce,".
5512	6757	26	"for Farben" should be "for Farben's balance sheet".
5513	6757	27	"has assumed" should be "had assumed".
5514	6758	12,13	"Casalle" should be "Casolla".
5515	6758	14	Change "elsewhere." to "otherwise."
5516	6758	17	Change comma to semi-colon after "Hoechst". Change "Leverkusen Farbstoffe at Bayer," to "Farbenfabriken Bayer at Leverkusen;".
5517	6758	18	Change comma to semi-colon after "Berlin".
5518	6758	19	Change "Chemical Factories" to "Chemischen Fabriken". Add "in Uerdingen." after "Ter Meer".
5519	6758	23	Change "reason was" to "motif for".
5520	6758	24	Change second word "a" to "the". Delete "here" after "morgor".
5521	6758	29	Change "construction" to "structure".
5522	6759	7	Change "an independent basis" to "a large basis".
5523	6759	8	Insert "chlorine, bleaching powder," after "alkali,".
5524	6759	10	Change last words "production of rubber," to "rubber goods,".
5525	6759	16	Insert "for" after "Dr. Ungewitter".
5526	6759	22	"All the members" should be "All the Vorstand members".
5527	6760	10	Place period after last word "factories".
5528	6760	11	Change "and the other men too. There was a" to read "As for the other men, there was also a".
5529	6761	1	Last two words "say each" should be "saw each".
5530	6764	6	Delete "on the meeting".
5531	6764	23	Add comma and "let's say," after last word "which".
5532	6764	31	Change first word "their" to "his",

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5533	6765	3	"Each one" should be "If one".
5534	6765	4	"and was in" should be "then he was in".
5535	6765	5	Change "definitely a director" to read "a general director of great capacities."
5536	6765	7	Insert "or pharmaceuticals," after first word "dyestuffs". "an enormous machine" should be "an enormous sales machine".
5537	6765	8	Place comma and insert "procurists and representatives " after "directors"
5538	6765	31	"the case cooperation" should be "the case this form of cooperation".
5539	6767	19	Change "we know, besides their" to read "we had good judgment not only as to their".
5540	6767	20	Change first two words "what exactly" to read "but also as to".
5541	6767	20	place period after "character" and delete "was."
5542	6768	12-13	Change "caused these gentlemen to be obligated to keep secrecy." to read "obligated them to secrecy."
5543	6769	8	"your field" should be "their field".
5544	6771	14	Change last two words "resolutions that" to "decisions of".
5545	6771	15	Place period after "Committee" and delete "made."
5546	6771	16	Second word "that" should be "them".
5547	6772	9	First two words "They were" should be "They alone were". Delete "solely".
5548	6772	24	".4 per cent per million" should be "0.4 per cent".
5549	6772	29	"to the Prosecution)" should be "by the Prosecution)".
5550	6773	8	Delete "immoderate." and complete paragraph with "rather moderate, that is, too small. I learned about them in this way."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5551	6774	9	Least two words "five thous(and)" should be "five hundred thous(and)".
5552	6775	5	"time in the leading" should be "time the leading".
5553	6775	7	Delete "Mr. Duisberg" and change "was" to "were".
5554	6775	29	Change first word "that" to "which".
5555	6775	30	"reserve" should be "research".
5556	6776	13	"Central Committee" should be "TEA".
5557	6777	20	Insert "according to the laws prevail in Germany" after "academicians who".
5558	6777	21	Change "because of their relationship of employment." to read "in their inventions."
5559	6778	7	"we have" should be "you have" (twice
5560	6779	12	Paragraph ends with "customary."
5561	6779	12-13	Begin new paragraph with "Q. The TEA has". Change "a table of organization of the business that we shall discuss to read "its by-laws which we shall discuss briefly."
5562	6779	23	"the Farben enterprise." should be "the Vorstand of Farben."
5563	6780	7	Change "for approval." to "by the TEA
5564	6780	8	"or the larger" should be "and the larger"
5565	6780	9	"they were rejected" should be "could be rejected".
5566	6780	20	"lectures, etc." should be "lectures with statistical data."
5567	6780	25	Delete "moving".
5568	6780	31	Third word "work," should be "workert
5569	6781	1	Second word "illustrated" should be "illustrative".
5570	6781	6	"to associates" should be "as associ
5571	6781	13	Change "superior to some Sparto," to "overlapping several Sparten,".
5572	6781	14	Second word "was" should be "were"

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5573	6781	25	Insert "(Editor's Note: see lines 29-30 below);" after "1939".
5574	6781	27	First words "which might lead" should be "which led".
5574 & 5575	6782	27 32	Change "were equalized by" to "in equilibrium with"; "into technical" should be "in the technical".
5576	6783	7	Change period to comma after "Committee". Change rest of line to read "at least not without the danger of".
5577	6783	8	Change "to be used by Dr. ter Meer" to read "of the Sparto head".
5578	6785	3	"as against the" should be "with respect to the".
5579	6785	7	Insert "He worked on magnesium and introduced it in the industry." after "has retired".
5580	6785	28	Change third word "company," to read "plant in question,"
5581	6786	5	"discussed all of the technical questions, etc." should be "discussed in detail all of the technical question calculations, etc."
5582	6786	15	Change first word "authorities" to "bodies".
5583	6786	26	Change first two words "report made" to read "lecture read".
5584	6786	28	Last two words "if possible," should be "I possibly"
5585	6786	29	Delete first word "I". Change "perhaps being built up," to read "in the course of construction,".
5586	6787	5-6	Change "which of course" to read "which according to the by-laws".
5587	6788	6	Last word "issuance" should be "issuing"
5588	6788	8	Change first two words "advertising matters" to "complaints".
5589	6788	17	"sub-commissions" should be "sub-committees".
5590	6788	18	Change "30 or 40 of these. The" to read "30 to 40 of these, including those of the".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5591	6789	16	Change first word "involved" to read "followed the trend of". Last word "phenoman" should be "phenomena".
5592	6790	19, 20, 21	"concerns" should be "plants", "works".
5593	6790	22	"but the plants" should be "but the works".
5594	6790	29-31	Change from "to the organic" in line 29 through "synthetic" in line 31 to read "to the fields of organic chemistry which were closely related to the organic intermediates earlier produced only for dyestuffs and pharmaceuticals, that is synthetic".
5595	6791	1	Change "gum lacs," to "resins,".
5596	6791	8	Change "substitutes," to read "replacements."
5597	6791	14	"work making" should be "work creating".
5598	6791	24	Change first word "practicability." to "economic considerations."
5599	6793	27	Last word "member" should be "leader".
5600	6793	28	"of the Sparte" should be "of Sparto".
5601	6794	30	Change "of any importance" to read "of very fundamental importance".
5602	6797	26	Insert "of the outlined products" after "turnover".
5603	6799	4	Change period to comma after "formed" and continue sentence with "with".
5604	6799	5	Insert "calculated according to specific rules" after "gross profit".
5605	6800	2	"with Farben" should be "by Farben".
5606	6800	11	Insert "remained" after first word "(pro)vided".
5607	6800	30	"of course, served" should be "of course, also served".
5608	6801	4	Insert "(Editor's Note: See lines 13-14 below for proposed correction, after "most difficult".
5609	6803	1	Insert "Professor Hoerlein did not even speak to me about this matter before the outbreak of the war." "substances."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5610	6806	18	"in Ethylene," should be "like Ethylene,".
5611	6807	1	"They had" should be "That had".
5612	6807	2	Insert "in the field of preliminary products" after "knowledge".
5613	6807	3	Last two words "the peace-time" should be "the before mentioned peace-time".
5614	6807	13,15	"Troisberg" should be "Trostberg".
5615	6807	14	First word "Berndorf" should be "Gendorf".
5616	6807	15	Insert "page 90 of" after second word "and".
5617	6807	17	"in making available" should be "to make available".
5618	6807	23	"finally the Buna" should be "finally at the Buna". Change period to comma after "Huels".
5619	6811	15	"was the member" should be "was a member".
5620	6811	23	"Mr. Gaylewski," should be "Mr. Gajewski,".
5621	6811	24	Last two words "the Dynamit" should be "the works of Dynamit".
5622	6812	6	"the other credit" should be "another credit".
5623	6812	8-10	Change from "Furthermore," in line 8 through "standby plants" in line 10 to read "Furthermore, the extension of munitions enterprises which were based on the experiences of the Dynamit Nobel A.G., and operated by them these were mostly standby plants".
5624	6812	19	Delete "name of the" before last word "I.G.".
5625	6812	20	Insert comma and "I no longer remember the name," after "Plant X".
5626	6812	23	Place quotation marks after "Dynamit A.G." "that I did not" should be "that even I did not".
5627	6812	28	Change "the Vontoron Plant and the other plant" to read "the Vonten plant and the I.G. plant".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5628	6814	3	First word "this." should be "these."
5629	6815	4	Change "increased" to "decreased".
5630	6815	23	Change line 23 to read "see that in 1937 for the first time the highest turnover of the period before Hitler's ascension to power was finally reached again with 1 billion".
5631	6815	24-25	Delete "This is the figure approximately approaching that figure before Hitler's ascension to power."
5632	6815	29	"in 1939." should be "in 1929."
5633	6815	30	Change "are the increased causing effect" to read "cause the increase".
5634	6816	1	Insert "five" before first word "new"
5635	6816	2	"1929" should be "1939".
5636	6817	5	"percent credit" should be "percent of the credits".
5637	6817	21	"short book" should be " show book".
5638	6817	24	Place comma and dash after "1927". Change "after the" to "then the".
5639	6818	3	Change "By reason of" to read "Hand in hand with".
5640	6818	4	Delete first word "and". Change "also went hand in hand," to read "went along,".
5641	6819	6-11	Change lines 6 to 11 to read "that plant of the chemical industry which has a certain depreciation which is accounted for in all these countries by practically the same percentage - that such a plant should reinvest the amount of the depreciation in its works every year through new plants, modernization, or improvements, unless it wants to exploit its capital. Especially in the chemical industry, the wear and tear of machinery is".
5642	6819	13	"If this results," should be "From this results".
5643	6819	14	Change "profit" to "amounts".
5644	6819	18	"cases of good" should be "cases good".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
5645	6819	20	Insert "elsewhere." after "with us but". Begin new sentence with "In America".
5646	6819	24	Delete "we were" after "1933".
5647	6819	25	Delete "and that"
5648	6819	25-26	Change "reorganization" to "renovation"
5649	6819	30	"1941" should be "1939".
5650	6820	5	Insert "in 1937 investments became too high." after first word "Nevertheless," Begin new sentence with "As my defense"
5651	6820	11	Insert "to find out" after "opportunity".
5652	6820	18	Last two words "from some" should be "of these".
5653	6821	10	Insert "for example, for dyestuffs" before "there would be more".
5654	6822	5	"such field" should be "such a field", "dye stuff" should be "dyestuffs".
5655	6822	9	Change "these things up." to "the work of Sparte II."
5656	6822	12	Insert "of which" after second word "products".
5657	6822	14	Change line 14 to read "of this case by the Prosecution of only about 20. We have been hearing always about Diglycol, powder".
5658	6822	19	"are again listed," should be "are listed,".
5659	6822	20	"very easily and as to" should be "very easily as to".
5660	6823	4	"extensive" should be "expensive".
5661	6823	9-10	Change "when they again slowly employed" to read "when we again slowly engaged".
5662	6823	10	Change last word "depleted," to "aged"
5663	6823	12	Change last three words "through the war." to read "around the outbreak of the war."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5664	6823	17-19	Change period to comma after "textile" in line 17 and change rest of line 17 as well as lines 18 and 19 to read "auxiliaries needed very often in connection with dyestuffs with the figure of 270 chemists, and then the experimental field of rubber and plastics which is of special importance in this period with 126 chemists, and then finally the organic".
5665	6823	20	"were approximately" should be "with approximately".
5666	6823	22	Last three words "with during the" should be "within Sparte II during the crucial".
5667	6823	23	Place period after first word "years" Delete "in question."
5668	6823	24	"1936," should be "1939,".
5669	6823	29	"which was the curves," should be "which shows the curves,".
5670	6823	30	Change end of line 30 beginning with "nitrogen," to read "nitrogen, rayon and specifically artificial fibres somewhat later, Buna still".
5671	6824	1	Delete comma and "of course," after "magnesium".
5672	6824	4	Change "other departments, which is" to read "of the Sparten, e.g. in".
5673	6828	21-22	"supplemental" should be "supplement
5674	6830	30	Change "and interfered" to "or whether he interfered".
5675	6831	12,13	"Auslandis" should be "Ausland".
5676	6831	16	"testified," should be "testifies,".
5677	6831	17	"a statement" should be "a long statement".
5678	6831 15	18	"then go ahead," should be "then let him go ahead."
5679	6832	13	Last word "manger" should be "manage
5680	6832	22	"contract" should be "contract".
5681	6832	32	"and confidence" should be "and have confidence".
5682	6833	8	Change "use the most" to "list the most".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5683	6835	31	"organized," should be "reorganized."
5684	6839	26	"a certain amount" should be "a certain number".
5685	6840	4	"that Austria" should be "that the Austrian".
5686	6841	2	"they you are" should be "then you are".
5687	6845	7	Add "since 1935" at end of line after "Pollek".
5688	6846	30	"what they were" should be "that they were".
5689	6847	1	Insert "whether" after third word "discuss".
5690	6849	22	"Raffellberger" should be "Raffelsberger".
5691	6851	11	Insert "attempted" after "Mr. Pfeiffer".
5692	6852	30	"conflict." should be "contract."
5693	6855	1	"we are prepared" should be "we have prepared".
5694	6856	4	Delete "document which is part of our". "that is speaks" should be "that it speaks".
5695	6857	20	Change period to comma after "Book
5696	6858	23	"was not submitted" should be "was submitted".
5697	6858	24	"had been withdrawn" should be "was withdrawn".
5698	6859	21	"as it existed" should be "as exist Change last word "countries" to concerns".
5699	6859	22	Delete "concern".
5700	6863	6	Insert "2," after "Number".
5701	6863	17	Delete quotation marks after "unso
5702	6863	23	"as other" should be "as in other" Place period and quotation marks after "countries". Delete "have it as well."
5703	6864	1	Delete quotation marks before "re

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5704	6864	8	Change "to give" to "to state".
5705	6866	22-23	"in inquire" should be "to inquire".
5706	6867	7	"heilooms" should be "heirlooms".
5707	6867	12	Place quotation marks at beginning of paragraph.
5708	6867	19	Place quotation marks after "Phillips" at end of paragraph.
5709	6867	21	Delete "1,".
5710	6869	3	"reported" should be "reporter".
5711	6875	29	Add "and" at end of line after "Creditanstalt,".
5712	6876	20	Place period and delete "was" after "Creditanstalt". Begin new sentence with "At that".
5713	6877	15	"presented" should be "prevented".
5714	6878	21	"as while" should be "as a while".
5715	6879	29	"we talked" should be "to talk".
5716	6879	30	"unless we had" should be "if we had".
5717	6880	19	"say so, but would indicate" should be "say this but indicate".
5718	6881	24	Place comma and insert "and the Creditanstalt" after "Creditanstalt".
5719	6886	6	Place comma after "protection". Change next word "secretly" to "secrecy measures,".
5720	6886	12	"These legislation" should be "This legislation".
5721	6886	25	"1937." should be "1927."
5722	6886	27	"1936," should be "1926,".
5723	6887	13	"necessary by" should be "necessary but".
5724	6887	19	Delete quotation marks before "we should".
5725	6887	20	Delete quotation marks after "our hands.". Place quotation marks before "Government".
5726	6886	4	Last word "appropriations" should be "applications".
27	6889	12-13	"defense maneuvers." should be "planned exercises (Planspiele)."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5728	6889	14,16,18	"mobilization games" should be "planned exercises".
5729	6890	5	"in 1931" should be "in January 1931". Add "at Hoochst" at end of line after "protection".
5730	6891	1-2	"practice means" should be "planned exercises".
5731	6891	9	Place quotation marks before first word "Air-raid".
5732	6891	30	Second word "law" should be "regulation".
5733	6891	31	First word "regulation" should be "directive". "enactment order" should be "enactment regulation".
5734	6892	13	Change line 13 to read "of the Supplement concerning Article I of the Second Enactment Regulation for Air Raid".
5735	6892	23	Last word "Hitler" should be "Hitler's".
5736	6893	1	Place quotation marks after "Prosecution."
5737	6893	2	Place comma after "paragraph 4" .
5738	6893	4	Change "from many points" to "every point". Delete "it" after "Germany".
5739	6893	9	"states, already" should be "states that already".
5740	6893	10	Insert "and air armament." after "protection".
5741	6893	11	Change line 11 to read "France that many cases could only be decided by special order."
5742	6893	13	Insert the following sentence after "interesting": "Since some time special attention is paid to the question of air raid protection."
5743	6893	15	Place quotation marks after "last year".
5744	6893	27	Insert "as it can be seen from experience and therefore" after "enforced".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5745	6894	4, 7	Change "measures" to "exercises(Luft schutzuebungen)."
5746	6894	9	Change last word "land" to "planned".
5747	6894	20	"seen page 39" should be "seen on page 39".
5748	6894	22-25	Change from "that air" in line 22 through "This precaution" in line 25 to read as follows: that "air raid precaution planned exercises are to be carried out as a kind of tactical exercise which has been prepared on a large map of adequate dimensions drawn to scale and permits a survey. This map can thereby be replaced or supplement by a plant model." This precaution
5749	6896	5	Second word "no" should be "any".
5750	6897	3	Change "sales executions." to "occurrences."
5751	6897	7	Change "execution of the information system" to "institution of the Centr Agency".
5752	6897	15	Change "about treason was possibly to be" to "about economic treason was to be".
5753	6897	15	Insert "retroactively" after first word "made". Place period after "circumstances" and delete next word "retroactive."
5754	6897	21	Change last word "secretly" to "cently".
5755	6897	26	Insert "much" after "change".
5756	6897	27	Change line 27 to read "office in Leverkusen even as Mr. Fraubel did later, and they were only a few".
5757	6897	28	Insert "a month" after first word "days".
5758	6898	5	Insert "sent out to each Sparte, and after "letters were". Delete comma after "Sparte II".
5759	6898	24	"economic matters." should be "criminal matters."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5760	6898	28	Add "This is on page 48." after last words "secrets."
5761	6898	30	Change "firms of Farben." to read "firms which later merged into Farben."
5762	6899	26	Change "contracts" to "character".
5763	6899	28	Change first word "factories." to "armament plants."
5764	6899	29	Add "in the version of the law of" after last word "treason,".
5765	6900	12	Place comma and insert "Exhibit 66," after "Number 266".
5766	6900	19	Place period and insert "It is" after "Exhibit 66".
5767	6900	30	Change quotation marks to single quote before "Industrial" and after "Abroad"
5768	6900	31	"finish" should be "furnish".
5769	6901	4	Change quotation marks to single quote before "Secrecy".
5770	6901	5	Punctuation after "Wehrmacht Orders" should consist of single and double quotation marks.
5771	6901	21	Change "other industrial works;" to "power industry,".
5772	6902	28	Change third word "May" to "July".
5773	6903	3-4	Change from "and not to have" in line 3 through line 4 to read "and we never turned over certain special secrets like the contact agents in our modern catalyst process."
5774	6903	8	Change "points" to "agents".
5775	6903	30	Change "other fuels" to "raw materials"
5776	6903	32	Insert "since we had general conscription in Germany," after "authorities".
5777	6904	7	Place comma after "products". "of aniline were" should be "aniline, etc., were".
5778	6904	9	Change "masters" to "craftsman".
5779	6904	21	"capacity plants," should be "capacity of the plants,".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5780	6904	23	Change second word "Reich" to "Economic".
5781	6905	5	Insert "Belegungspläne means the production plans ordered by Dr. Ungewitter on the basis of the normal capacities of our plants." after "Reich Office." The following words "The Belegungspläne is," should be "The Belegungspläne are,"
5782	6905	6	"task" should be "tasks".
5783	6906	27	"The products" should be "Products".
5784	6906	30	"or any representative" should be "or a representative".
5785	6907	4	"armament plans," should be "armament plants,".
5786	6907	6-7	Delete as repetition "--and between the so-called vital and essential industries,".
5787	6907	11	Change first word "departments" to "regional agencies". Add "which were established in the offices of the provincial presidents (Oberpräsidenten)." at end of line after "Economics" to complete sentence.
5788	6907	14	"Exhibit 493" should be "Exhibit 197".
5789	6907	15	Place quotation marks before "the mobilization".
5790	6907	16-17	"of the materials" should be "with the materials".
5791	6907	21	"production plants," should be "production plans,".
5792	6907	29-30	Change "concerns" to "arrives at".
5793	6908	5	Change "the normal productions" to read "only the normal production and indeed only the big products".
5794	6908	6	Delete "if normal production was included, then".
5795	6908	7	Change "it would" to "Production would".
5796	6908	8	Change last word "concerning" to "in".
5797	6908	9	Delete comma after "plan".
5798	6908	13	Add "when discussing the dyestuffs plan" after last word "later".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5799	6908	17	Delete comma after "plans".
5800	6908	22	Change "sphere of activity" to "secretariate".
5801	6908	25	Insert "of the plants." after "people".
5802	6909	21-23	Change from "Did you make" in line 21 through end of paragraph in line 23 to read as follows: "With respect to this document, which we submit in order to show what you knew without relying on files, and with respect to the Rosenberg affidavit, do you wish to make any supplementations, or corrections?"
5803	6910	11	"if employees" should be "of employees"
5804	6910	14	Change "matters" to "measures".
5805	6910	15	"I stated with respect to documents" should be "I spoke further in respect to the documents".
5806	6910	16	First word "says" should be "said".
5807	6910	17	"mob plants" should be "mob plans". Change comma to period after "plans" and begin new sentence with "This year
5808	6910	18	Change last three words "This gives a" to read as follows: I quote: "This sentence gives a
5809	6910	22	Delete quotation marks after "forces."
5810	6910	27	"It is now known" should be "It is not known".
5811	6910	30	Change "this measures for peace" to "the events after war broke out".
5812	6911	1	Change "had ceased to function, I" to read "was to cease production, as intended by the Berlin authorities, I, therefore".
5813	6911	6	"It is" should be "Is it".
5814	6911	7-8	Change from "who knows" in line 7 through end of paragraph in line 8 to read "who puts the figures in the questionnaires submitted to him and so on, or is it the person who as governing authority in Berlin made up the questionnaires and directed them?"

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5815	6911	10	Change "did not know the form" to read "had no detailed knowledge".
5816	6912	4	Insert "so that" before last word "because".
5817	6912	5	Insert "the" after second word "this".
5818	6912	6	"plans" should be "plan".
5819	6912	10	"plants in cooperations" should be "plane in cooperation"
5820	6912	12	Change "than I have," to "as before,".
5821	6913	11 ff.	"the Farben MOB plans" should be "the MOB plans for dyestuffs".
5822	6913	29	"because of the imported wool, etc. which would" should be "because of imported wool, etc. would".
5823	6914	1	"has come" should be "came".
5824	6914	7-8	Change "we therefore decided to" to "I therefore suggested to Dr. Struss to".
5825	6914	8	"He assigned" should be "I assigned".
5826	6914	14	Last two words "factory of" should be "factories of"
5827	6914	15	Second word "Loudenhausen" should be "Leverhausen".
5828	6914	16	Change "or Farben Mob plans." to read "or Mob plan for Dyestuffs."
5829	6914	23	Place comma after "about".
5830	6914	24	"considers" should be "considered".
5831	6916	5	"page 19." should be "page 10."
5832	6916	24	Change "add 719," to "and 719,".
5833	6917	9	"what authorities" should be "that authorities".
5834	6917	20	Change "processing contracts." to "development orders."
5835	6917	29	"processing" should be "development".
5836	6918	2, 6	"processing" should be "development".
5837	6918	26	Second word "are" should be "were". Last word "contract" should be "contracts".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5838	6919	7	"has been" should be "has not been".
5839	6919	11	"Exhibit 335," should be "Exhibit 334,".
5840	6919	13-16	Change from "We, in concert," in line 13 through line 16 to read "we, in Kranzberg, were not clear about it, what occurrence was decisive. Was it the tasks to be turned over to the Vermittlungsstelle W with respect to the registration of patents abroad and with respect to licensing of know-how or was it the"
5841	6919	18	"to place them" should be "to place it".
5842	6919	19	Change "establish contact with the" to read "carry through the tasks of the IOB plans with the competent".
5843	6919	25	Last word "concert" should be "Kranzberg".
5844	6919	26	Place period after "involved". Change the rest of the line to read "Was this conversation the decisive date for the foundation of".
5845	6919	28-29	"of the foundation" should be "for the foundation".
5846	6919	29	Delete last word "my".
5847	6919	30	First word "organization" should be "mobilization".
5848	6920	8	Change last three words "habit" to "entrust" to read "habit in such cases to entrust".
5849	6920	15	"future contracts," should be "foreign contracts,".
5850	6920	16	"in the plants, etc." should be "and plants,".
5851	6920	17	"be of us" should be "be of use". "He was after" should be "He was later"
5852	6920	19	Last words "mean the particular" should be "indicated particular".
5853	6920	20	Second word "of" should be "for".
5854	6920	25	Delete period after "that" and continue sentence with "for the first time".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5855	6922	12	Insert "Some representatives of" after "coordination," and continue the sentence with "this".
5856	6922	12-13	Change "had some representatives here" to read "have been here". Place comma after "witnesses".
5857	6923	14	Place dash after "agencies,"
5858	6923	14-15	"sub-commissions" should be "sub-committees".
5859	6923	16	Change line 16 to read "(production planned -- to check the practicability of all the MOB plans and to register all war".
5860	6924	24	"No. 376," should be "No. 276,".
5861	6925	14	"by the Reich" should be "for the Reich".
5862	6927	1	"Book II." should be "Book XI."
5863	6927	26	Delete "Reichsfachschaft, the". "Reich Association" should be "Reich Professional Association".
5864	6927	32	Delete "Exhibits".
5865	6928	1	"12, 13 and 14," should be "412, 413 and 414."
5866	6929	4	Delete second word "Was".
5867	6929	22	"for speeding up" should be "to speed up".
5868	6929	26	"document is" should be "document in".
5869	6930	21	Change period to comma after "presentation".
5870	6932	3	Insert "of Dr. Krauch's direct examination," after "Count IV".
5871	6932	16	First three words "undertook, by using" should be "used".
5872	6933	23	"Document No. 52" should be "Document No. 53".
5873	6933	26	Change "This refers to" to read "I offer this as".
5874	6934	11	"Kraus" should be "Krauch".
5875	6934	12	"document" should be "documents".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5876	6935	22	Place comma at end of line after "free".
5877	6935	23	Place comma after "politics".
5878	6935	28	Change "student" to "professor,".
5879	6937	1	"Number" should be "Kumber 16".
5880	6937	4	Place comma and insert "KI-1240," after "number 1417".
5881	6938	6	"mail pillars" should be "main pillars".
5882	6938	24	"on an international" should be "at an international".
5883	6940	30	"of Germany foreigner of" should be "by Germany of foreign law".
5884	6941	2-5	Change from "trade" in line 2 through line 5 to read "trade balance which, in turn -- and the German obligations abroad -- produced a steady decline of the gold and foreign exchange stock in the Reichsbank."
5885	6941	13	Insert "and asbestos," after "rubber",
5886	6941	14-15	"in the production of tires and" should be "producing tires of".
5887	6942	4	"Exhibit 2, Document No. 4," should be "Exhibit 4, Document No. 2,".
5888	6942	30	Change period to comma after "question" and add "not with Dr. ter Meer." to complete sentence.
5889	6944	11	Change "one by Dr. Konrad," to "sworn by Dr. Konrad,".
5890	6944	18	Insert "between the government and I.G." after first word "negotiations".
5891	6944	21	"Lagge" should be "Lango".
5892	6944	25	"appear" should be "appeared".
5893	6944	29	"Treuhand, Gesellschaft," should be "Treuhand Aktiengesellschaft,"
5894	6944	30	Place comma after "Vits".
5895	6945	14	Place quotation marks before "Finally"
5896	6945	20	Change second word "with" to "of".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5897	6946	22	Insert "aim" after "final".
5898	6946	25	Delete last word "has".
5899	6946	27	"is too considerable" should be "was too considerable". Delete "be" after "hardly".
5900	6947	14	Place period after "involved". Begin new sentence with "In connection".
5901	6947	15	Change period to comma after "plants". Change following words "The question has arisen" to "questions have arisen".
5902	6947	17	Change line 17 to read "For that reason, I offer my next document 202, and ask that it be given exhibit No. 142."
5903	6949	26	Change second word "with" to "as".
5904	6950	11	Change "started" to "introduced".
5905	6950	23	Insert "that" before "a quarter".
5906	6951	1	Delete "which were".
5907	6951	7	"to Buna" should be "to a Buna".
5908	6952	6	Place period after "Office" and delete "Wirve".
5909	6952	15	Change "Hoechat;" to "Huels;".
5910	6954	4	"I have permitted" should be "I permitted".
5911	6954	7	Place period after "Ludwigshafen" and delete "and Schkopau".
5912	6954	28	Change third word "development" to "processing side".
5913	6954	29	Change "developing that product" to "processing that product".
5914	6955	3	Insert "in 1906" after "Buna".
5915	6955	4-5	Change "considerable results in the processing of the substance." to read "considerable scientific results in the research."
5916	6955	9	"that a scarcity" should be "lest a scarcity".
5917	6955	15	Change "continued it up to the time of the crises in(volving)" to read "continued them up to the time of the economic crisis in(volving)".
5918	6955	17	Change last word "paper" to "lecture".

Item No.	Transcript page.	Line(s)	PROPOSED CORRECTION
5919	6955	18	Change "read" to "gave".
5920	6955	29	"1928 to 1929" should be "1928, 1929, 1930."
5921	6957	20	Change "have him examined" to "begin with the cross-examination".
5922	6959	17	Change "That, forms, was 100 %." to read "That was for us 100 %."
5923	6959	21	Insert "by" after second word "just".
5924	6959	27	Delete "to" after "reporter".
5925	6960	15	"give short" should be "give a short".
5926	6961	3	"explanation" should be "explanations"
5927	6961	11	Last word "may" should be "any".
5928	6961	12	"to see a" should be "to see it given a".
5929	6961	30	"maintain the face" should be "maintain in the face".
5930	6962	24	Change comma to dash after "Skoda-Wetzler".
5931	6964	5	"NI-10996?" should be "NI-10997?".
5932	6964	20	Place comma after "Vienna".
5933	6966	5	Change "do that." to "so answer."
5934	6966	23	Delete "however,".
5935	6967	29	"is alone speaking volumes." should be "alone spoke volumes."
5936	6969	2	Change "I will not let it go in." to "Then I will allow it."
5937	6969	7	"Only to" should be "Only for".
5938	6969	8	"was an exception." should be "was there an exception."
5939	6969	15	"these are" should be "there are".
5940	6970	15	"the Vice-President of the corporation intervening" should be "the intervention of the Vice-President of the corporation"
5941	6975	19	Delete "he" before "will so indicate."
5942	6976	14	Change first word "are" to "were".
5943	6977	19	Place comma after "incidentally" and delete last word "which".
5944	6977	20	Change first two words "befell them" to "their fate".
5945	6977	23	"persons on" should be "persons or".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5946	6981	3	Delete "also" after "defendants".
5947	6982	8	"we aviod" should be "we are to avoid".
5948	6983	29	"mose Defense" should be "most Defense".
5949	6985	22	"always has" should be "must always hav
5950	6986	3	"procedures which" should be "procedure in which".
5951	6987	4	"said that" should be "said so that".
5952	6988	33	"rubbar tires," should be "rubber,".
5953	6989	2	Least words "the end of the" should be "the lessening of the".
5954	6989	9, 11	Change "Plenipotentiary" to "Commission
5955	6989	24	Change last word "rubber," to "buna."
5956	6989	30	"technical interest." should be "technical and commercial interest."
5957	6990	13	"Plenipotentiary" should be "Commissioner".
5958	6990	16	"to eliminat employment." should be "to eliminate unemployment."
5959	6991	8	Change "did not think" to "did not realize".
5960	6991	9	"that is the full" should be "and the full".
5961	6991	10	Insert "then employed in part-time work," after "workers".
5962	6991	13	Place comma after second word "food". Change "and that as a result a" to read "tobacco, coffee in Germany and that automatically a much".
5963	6991	16	"1933," should be "1934,".
5964	6991	17-18	Change "the intended to heard" to read "aim of saving".
5965	6991	19-20	Change "Exhibit 1934" to "Exhibit 334", Change "English pages 112 and 113, and English pages 126," to read "German pages 112 and 113, and English page 126
5966	6991	28	"the OKW is discussing" should be "the OKW discussed".
5967	6991	29	"confirm" should be "confirmed".

Item Transcript			PROPOSED CORRECTION
No.	page	Line(s)	
5968	6992	2	Insert "of the government" after third word "motives".
5969	6992	4	Insert "on a large scale" after first word "(production)".
5970	6992	20	Change semi-colon to comma after "Schaach" "of Reich Minister" should be "as Reich Minister".
5971	6992	21	Place comma after second word "Economics" Delete next word "he".
5972	6993	18	Delete "No, it is ter Meer 187."
5973	6993	19	Change line 19 to read "Q. Book 4, Page 50."
5974	6993	27	"scrape material" should be "scrap material".
5975	6993	29	"cannot hop" should be "cannot hope".
5976	6994	4	Delete quotation marks after "Gummiwerke
5977	6994	29	Delete quotation marks after "Farben:",
5978	6996	4	"As I started," should be "As I stated,"
5979	6996	11	"to supply" should be "of supply":.
5980	6996	18	"automobile" should be "automobiles".
5981	6997	12	Second word "quote" should be "quots".
5982	6997	15	"Exhibit 210," should be "Exhibit 120,".
5983	6997	16	"manufactures" should be "manufacturers" Place comma after "Germany" and insert "Freudenberg. In this affidavit it is shown extensively that the foreign currency situation of Germany" after same word "Germany".
5984	6997	21	"to make do" should be "to be satisfied". Change comma to period after "per year". Begin new sentence with "The demand".
5985	6997	22	Insert "of hides" after "import".
5986	6997	24	Change "stock of 100 pairs" to "demand of 100 million RM".
5987	6997	26	Insert "and" after first word "field".
5988	6998	4	Insert "an economically sound basis for" before "the production".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5989	6998	5	Change "helpful on any large scale." to "established in the long run."
5990	6998	12	Change last word, "estimated," to "demonstrated,".
5991	6998	16	Insert "Reich's" after third word "the".
5992	6998	17	Change "1935:" to "1935 through 1938:"
5993	6998	18	Delete quotation marks before "Natural"
5994	6998	22	Delete quotation marks before "A steep"
5995	6998	23	"in the year of 1937 went up" should be "in the years of 1937 and 1938 went up".
5996	6998	25	Delete quotation marks before "The Men"
5997	6998	27	"and extremely" should be "was extreme"
5998	6999	4	Change "had processed over 45 per cent" to "had bought over 40 per cent".
5999	6999	14	"150,000 tons," should be "125,000 ton"
6000	6999	15	"figure in" should be "figure is".
6001	6999	18	Change second word "wool," to "cotton,"
6002	7000	7	Insert "a demand of" after "expect".
6003	7000	8	Delete period after "year" and add "or natural rubber replaced by Buna." to complete the sentence.
6004	7000	10	Change "something" to "facilitation".
6005	7000	17	Change last word "tire" to "entire".
6006	7000	21	"27,000 tons." should be "25,000 tons."
6007	7000	28	Change "this year" to "today did".
6008	7001	5	Change last three words "capacity for production." to "deeds."
6009	7001	9	Change "to gain" to read "to avail ourselves of".
6010	7001	12	Change "been completed" to "started production".
6011	7001	16	"plans amounting to 400,000 tons" should be "plans each amounting to 24,000 ton"
6012	7001	17	"600,000 tons." should be "96,000 tons."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6013	7001	19	"NI-1106" should be "NI-11106".
6014	7001	23	Place quotation marks before last word "let's".
6015	7001	25	"Farben refers therefore to" should be "Farben spoke therefore about".
6016	7001	30	Change "8th" to "21 June".
6017	7002	13	Insert "and gasoline," after "synthesis".
6018	7002	16	Change "the acceptance of large scale order for production" to "the undertaking of large scale manufacture".
6019	7002	19	Change "Both, however, was not the case" to "Neither was the case."
6020	7002	22	Change first two words "sales statistic" to "market analyses".
6021	7002	23-24	Change from "production process," in line 23 through line 24 to read "production in comparison with natural rubber was bearable for all rubber articles. I would like to point out that natural at the start of an important and new process, as in the case with buna, it is impossible to arrive at the cheapest cost price in the first or second year; This can be".
6022	7002	29	"amount of" should be "amount to".
6023	7003	2	"2 mark 30." should be "2 marks."
6024	7003	5	Change first word "accounting" to "depreciation".
6025	7003	7	"amortized," should be "amortized,".
6026	7003	8-9	Change "calculated a price which went down to" to read "might come down to a cost price between".
6027	7003	12-16	Change from "have far" in line 12 through line 16 to read "have more than double of the production cost in Canada or the United States or Argentina. Other countries too protect new industries by high tariffs. Import duties for dyestuffs, for instance, introduced in the United States in order to protect the young dyestuffs industry were in the amount of 200 per cent to later be decreased to 100 per cent."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6028	7004	13	Change "process of raw rubber in the" to "processing of raw rubber into the".
6029	7004	17-18	Change "finished price was" to "sale price of which was".
6030	7004	18	Change period to comma after "1940" and continue sentence with "this would mean" in next line.
6031	7004	21	Change comma to period after "miles". Delete next word "and" and begin new sentence with "This applies".
6032	7004	25	"that a number" should be "that there are a number".
6033	7004	26	Delete third word "are".
6034	7005	3	Add "in" after last word "and".
6035	7005	6	Delete "of" after "points" and insert in its place "which is considered as".
6036	7005	8	"1920's" should be "1930's".
6037	7005	10	First word "marked" should be "market".
6038	7006	24	"200,000" should be "200".
6039	7006	25	"1926," should be "1936,".
6040	7006	26	"1927" should be "1937."
6041	7007	1	"Czeimatis," should be "Czimetis," with quotation marks around it.
6042	7007	2	Place quotation marks before "opened".
6043	7007	7	Place quotation marks after "per Year.
6044	7007	20	"we are informed" should be "we were informed".
6045	7007	27	Last two words "speak of" should be "speak already of".
6046	7009	23	"1930," should be "1940,".
6047	7009	30	Last word "constructed?" should be "extended ?"
6048	7010	5	Insert "up" after "30,000".
6049	7011	30	"50,000" should be "100 %".
6050	7011	31	Change "was given" to "was announced".
6051	7012	31	"certainly now" should be "certainly not".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6052	7016	21	Insert "I saw that" after "America,".
6053	7017	14	"2000" should be "200".
6054	7017	20	Place comma after "Besides,".
6055	7018	32	"speeding" should be "speedy".
6056	7019	9-10	Change "occasion" to "reason".
6057	7019	28	Change "question" to "paragraph".
6058	7021	13	"and 1337" should be "to 1337".
6059	7022	9	Delete last two words "do not".
6060	7022	15	Delete "if" after "I don't know".
6061	7022	20	Insert "if something like that happens again," after third word "and". Delete "(?)".
6062	7023	10	Change first word "Amt" to "Office".
6063	7023	15	"as a deployment area." should be "was a military deployment area."
6064	7023	16	"I have brought" should be "I brought".
6065	7023	21	"letters" should be "letter".
6066	7023	24	Delete "that" after "needs".
6067	7023	26	"same as of Dr." should be "same as that of State Secretary Dr".
6068	7024	2	Change "chose the location" to "to chose instead of Fuerstenberg the location".
6069	7024	7	Insert "at Huelz," after "buna plant".
6070	7024	8	Delete "being" before "considered".
6071	7024	11	"had to find" should be "found".
6072	7024	14	Delete "have" before "investigated".
6073	7025	6	"to hundred" should be "to a hundred".
6074	7025	8	First word "How" should be "however".
6075	7025	22	Insert "these matters" before last word "expressly".
6076	7025	25	Insert "no doubt" after "He had".
6077	7025	27	"have succeeded" should be "had succeeded".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6078	7026	28	"75,000" should be "70,000".
6079	7027	1	Second word "any" should be "the".
6080	7027	2	Insert "still" before "had to be".
6081	7027	6-7	Change lines 6-7 to read "through buns, when this chart is concerned with essential military articles?"
6082	7027	17	"which also has to be added as a demand." should be "which also has to be added as part of the demand."
6083	7027	19	"70,---" should be "70,000".
6084	7027	22	Last two words "when the" should be "when at the".
6085	7028	2	Insert "for" before "additional".
6086	7028	4	Insert "Commission on 17 January 1941, a contract was signed with France according to which" after "Armistice".
6087	7028	6	"77,800" should be "7,800".
6088	7028	8	Insert "could" after "1941".
6089	7028	9	Delete "could" after third word "demand".
6090	7029	4	Change "Targot" to "larger".
6091	7029	23	Delete "as" before "Document 229,".
6092	7031	7	"its applied us" should be "it could supply us".
6093	7031	18	Delete "one had" after "since".
6094	7031	23	Change second word "only" to "but".
6095	7032	11	Insert "the" after first word "under". Delete "that" before "Dr. Ambros".
6096	7037	13	"One hundred twenty-seven" should be "Document 127".
6097	7037	17	"It is being stated" should be "It is stated".
6098	7040	8	"There had been" should be "There has been".
6099	7040	30	"agreement" should be "agreements".
6100	7041	7	Change period to semi-colon after "yesterday". Continue sentence with "agreements".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6101	7041 ff.	13 ff.	"Yasco" should be "Jasco".
6102	7041	18	Insert "the" before "oil field,".
6103	7041	28	"so important" should be "some important".
6104	7042	3	Last words "has been" should be "was".
6105	7042	4	First word "containued" should be "continued".
6106	7042	5	Insert "the" before "following".
6107	7042	6	First words "have been" should be "were".
6108	7043	6	Delete "simply".
6109	7043	12	Delete comma after "world".
6110	7043	15	Delete second word "the".
6111	7043	30	Delete comma after "chemistry".
6113	7043	31	Change last word "in" to "and".
6113	7043	32	Change "until" to "up to".
6114	7044	3	Change last word "besides" to "with".
6115	7044	17	Place comma after "information".
6116	7045	2, 4	Change "transfer" to "convert".
6117	7045	3	"matter." should be "manner".
6118	7045	7-8	"has an extensive" should be "was an expensive".
6119	7045	12	"indicates that there" should be "indicate that they".
6120	7045	18	Last three words "has only been" should be "was only".
6121	7045	20	"has been" should be "was".
6122	7045	21	Change "accusation" to "Prosecution".
6123	7046	2	Change period to comma after "1935".
6124	7046	8	"have come to an end," should be "did not come to an end".
6125	7046	12	"have seen" should be "saw".
6126	7047	14	"all intermediates as butylene," should be "the intermediate iso-butylene,".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6127	7047	15	"or rubber-like content," should be "of rubber-like conduct,".
6128	7047 ff. 30 ff.		"Yasco" should be "Jasco".
6129	8048	4	Change second word "brought" to "started".
6130	7048	17	Insert "thus these existed," after first word "and".
6131	7048	18	Delete third word "through".
6132	7048	20	Change comma to period after "New Jersey". Begin new sentence with "The first".
6133	7048	21	"has been made" should be "was made".
6134	7048	24	"has been sent" should be "was sent".
6135	7049	18	Change "prices," to "crisis,".
6136	7049	21	"has been reached," should be "was reached."
6137	7049	30	Insert "years of the" after "first".
6138	7050	6	"has often been" should be "was often"
6139	7050	7	"we have talked" should be "we talked"
6140	7050	18	Insert "there was" before "a problem".
6141	7050	24	Last word "being" should be "I was".
6142	7051	11	"that we started" should be "when we started".
6143	7051	19	"of the Phillips" should be "by the Phillips".
6144	7052	1	"has been discontinued" should be "was discontinued".
6145	7052	3	Change "re-action" to "experiments".
6146	7052	7	Place comma after "Big Four".
6147	7052	13	Change last two words "has been" to "was".
6148	7052	17	First word "Is" should be "It is".
6149	7052	31	Change "along by a visit which had" to "through a visit".
6150	7053	4	First word "Now," should be "No,".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6151	7053	27	Change last word "field" to "thing".
6152	7054	5	Change "in Neoprene and raw materials" to "of the Neoprene process because its raw materials".
6153	7054	8	Change "bring that in" to "bring in Buna".
6154	7054	8	Insert "I" before "started".
6155	7054	9	"had been related" should be "have been related".
6156	7054	22	Last word "possibly" should be "was possibly".
6157	7054	26	"offer the advantage of natural" should be "offer an advantage over natural".
6158	7054	30	"has been the case always in Germany," should be "has ever been the case in Germany,".
6159	7055	3	Delete "and also DuPont's were not very much interested." .
6160	7055	4	First word "Lamont" should be "Lamoth".
6161	7055	21	"having such owner of processes" should be "to have the owner of the processes".
6162	7055	21	"having developed" should be "to develop".
6163	7055	12	Delete "being" after "were used".
6164	7055	17	"has been written" should be "was written".
6165	7055	18	"had been submitted" should be "was submitted".
6166	7055	20	Delete "to Germany".
6167	7055	21	"his induced" should be "This induced".
6168	7055	31	"pleased to" should be "pleased too".
6169	7056	4	Add "was" at end of line after "matter".
6170	7056	6	First two words "to, see" should be "I saw".
6171	7056	22	Place quotation marks after "decompose".
6172	7056	25	Place quotation marks before "The favorable".
6173	7056	30	Place comma after "Frolich". Delete next word "and".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6174	7058	5	"Germany" should be "German".
6175	7058	14	Insert "a" after "investment of".
6176	7058	15	Second word "plants" should be "plant".
6177	7058	16	"that even" should be "which is even".
6178	7058	17	Delete comma after "lost" and also next word "and".
6179	7058	18	Delete comma after "air" and change rest of line to read "and which had to and would come along one day."
6180	7058	19	Delete first word "and". Begin new sentence with "After all".
6181	7058	25	"chemical chemical" should be "numerical chemical".
6182	7058	27	"the one is what I mentioned before-hand, should be "the one I mentioned before."
6183	7058	31	Change comma to period after first word "(process)". Delete next word "and" and begin new sentence with "Secondly,". "that I made" should be "that I had in Germany,".
6184	7058	32	Delete "now" after "product".
6185	7059	1	"manufactures" should be "manufactured" (both times).
6186	7059	4	"rubber plants" should be "rubber brands".
6187	7059	8	"they are" should be "there are".
6188	7059	8	"which related" should be "which relate".
6189	7060	5	Insert "quantity" after third word "certain". Last two words "were sent" should be "was sent".
6190	7060	6	"in which it is referred to" should be "in which is referred".
6191	7060	26	First word "(mentioned" should be "(men)tions".
6192	7060	28	"length period" should be "lengthy period".
6193	7061	11	Change "agencies" to "Reich authorities".
6194	7062	4	Change first word "taken" to "made".
6195	7062	7	"any need" should be "no need".
6196	7062	22	"here where the market" should be "years when the market".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6174	7058	5	"Germany" should be "German".
6175	7058	14	Insert "a" after "investment of".
6176	7058	15	Second word "plants" should be "plant".
6177	7058	16	"that even" should be "which is even".
6178	7058	17	Delete comma after "lost" and also next word "and".
6179	7058	18	Delete comma after "air" and change rest of line to read "and which had to and would come along one day."
6180	7058	19	Delete first word "and". Begin new sentence with "After all".
6181	7058	25	"chemical chemical" should be "numerical chemical".
6182	7058	27	"the one is what I mentioned before-hand, should be "the one I mentioned before."
6183	7058	31	Change comma to period after first word "(pro)cess". Delete next word "and" and begin new sentence with "Secondly, "that I made" should be "that I had in Germany,".
6184	7058	32	Delete "now" after "product".
6185	7059	1	"manufactures" should be "manufactured" (both times).
6186	7059	4	"rubber plants" should be "rubber brands".
6187	7059	8	"they are" should be "there are".
6188	7059	9	"which related" should be "which relate".
6189	7060	5	Insert "quantity" after third word "certain". Last two words "were sent" should be "was sent".
6190	7060	6	"in which it is referred to" should be "in which is referred".
6191	7060	26	First word "(men)tioned" should be "(men)tions".
6192	7060	28	"length period" should be "lengthy period".
6193	7061	11	Change "agencies" to "Reich authorities".
6194	7062	4	Change first word "taken" to "made".
6195	7062	7	"any need" should be "no need".
6196	7062	22	"here where the market" should be "years when the market".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6197	7063	1-2	Change line 1, and line 2 through "General Tire", to read "Exhibit 178, an affidavit by Dr. Stoecklin, concerns discussions with Standard Oil on Buna-N experiments for tires by General Tire".
6198	7063	7	Change last word "entire" to "tire".
6199	7063	16	"stored" should be "sold".
6200	7064	23	"interests" should be "interest".
6201	7065	1	Insert "did" after "no time".
6202	7065	2	First word "(men)tioned" should be "(men)tion".
6203	7065	5	"never a serious proposal has been made" should be "never was a serious proposal made".
6204	7065	12	Last two words "raised to" should be "risen to".
6205	7065	16	"private plant" should be "pilot plant".
6206	7066	23	Place quotation marks after "imports."
6207	7067	9	"possible" should be "possibly".
6208	7069	24	First word "(be)fore" should be "(be)-fore,".
6209	7072	29	"having aux" should be "having any".
6210	7074	12	"Americas." should be "America."
6211	7075	24	"their documents" should be "three documents".
6212	7076	13	"These follows" should be "There follows".
6213	7077	6	Change comma to period after "atebrinc". Begin new sentence with "Even".
6214	7077	28	"charge of" should be "charge that".
6215	7080	20	Last word "they" should be "the".
6216	7081	3	"of International" should be "of the International".
6217	7081	8	Insert "that" before "the United States".
6218	7082	10	Change "private plant" to "pilot plant".
6219	7082	11	Third word "tons" should be "pounds".
6220	7082	24	"has arisen" should be "had arisen".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6221	7082	29	"plants of Oppau" should be "plant of Schkopau".
6222	7083	2	Delete "show".
6223	7083	22	Delete first word "as".
6224	7083	27	"all raw material," should be "oil raw material,".
6225	7084	5	Change "an information of" to read "to communicate with".
6226	7084	14	Delete last two words "quite well".
6227	7084	15	Delete first two words "coming from". Change "Mr. Thomas" to "Colonel Thomas". Insert "quite well," after "personality".
6228	7085	7	"partly" should be "party".
6229	7085	13-14	Change "commercial development" to "chemical department".
6230	7085	19	"yearly" should be "early".
6231	7085	28	Change "interest," to "negotiations."
6232	7086	7-8	Change "for the purpose that a question of a certain seriousness being" to read "became the serious question which was".
6233	7086	21	"They certainly" should be "I certainly".
6234	7087	12	Last word "know" should be "knew".
6235	7087	13	"Col. Loeg" should be "Col. Loeb".
6236	7087	24	Change "working about" to "in".
6237	7087	26-27	"would come" should be "came".
6238	7088	22	Change question mark to period after "tires".
6239	7089	24	"two exhibit" should be "two exhibits".
6240	7089	28	"confirms" should be "confirm".
6241	7090	8	Second word "leese" should be "least".
6242	7090	21	Delete first word "just". Insert "which is" after "something".
6243	7090	30	Delete "certain things," and complete the sentence with "for styrene and auxiliary materials reasonable cost prices obtainable in this country (ethylene at 3 cents per pound)."

Item Transcript
No. page

Line(s)

PROPOSED CORRECTION

6244	7091	1	Begin new sentence with first word "Assuming".
6245	7091	3	Insert "in" after "rubber price".
6246	7091	13	"of site" should be "for site".
6247	7091	14	Insert "for general services, power, steam, water, etc. Including such facilities" after first word "(faci)-lities".
6248	7091	21	Change "cost" to "course".
6249	7092	2	Change last three words "of an importance to "with a capacity of"
6250	7092	4	Second word "the" should be "a".
6251	7092	10	"was not" should be "were not".
6252	7092	11-12	Change "by which a produce is manufactur ed" to "in a product". Add "for" after last word "product" in line 12.
6253	7092	13	Change "is somewhat difficult to bring around" to "there are also difficulties"

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6254	7092	14	Change "also, through" to "because of".
6255	"	20	Change "in pounds" to "a production".
6255	7093	5	"to have in mind" should be "who have in mind".
6257	"	14	"to ask" should be "to question".
6258	"	31	Change "rubber boots manufacture" to "rubber goods".
6259	7094	13	"invite" should be "inviting".
6260	"	20	Delete "to be taken". "I am" should be "I was".
6261	"	21	"would be" should be "would not be".
6262	"	30	Place dash after last word "here".
6263	"	31	Delete "22" and quotation marks after it at beginning of line.
6264	7095	3	"non profit" should be "net profit".
6265	"	11	"of better" should be "or better".
6266	"	20	"favorable" should be "favorably".
6267	7096	1	"there is" should be "where is".
6268	7097	3	Insert "visited the pilot plant" after "Standard". "in Oppau" should be "at Oppau".
6269	"	10	"informations" should be "information".
6270	"	11	"have been given" should be "were given".
6271	7098	1	Third word "his" should be "its".
6272	"	5	Delete quotation marks at end of line.
6273	"	6	Delete quotation marks before "Dr. ter Meer".
6274	"	19-20	Delete "to make road tests.". Also delete "to make tires of Buna and".
6275	"	31	"had been done" should be "was done".
6276	7099	2	Second word "tire" should be "trial". Place comma after "America". Insert "that we planned" after "we show".
6277	"	10	"heard Mr. Koch" should be "heard from Mr. Koch".
6278	"	23	"I have written" should be "I wrote".
6279	7100	13	"I had not to go" should be "I could not go".

Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
6280	7100	22	Delete "has" (both times).
6281	7102	12	"we have hear" should be "we have here".
6282	7103	4	"has not been a" should be "was no".
6283	"	5	Change "a number" to "any".
6284	"	6	Change second word "something" to "anything". "I have seen" should be "I saw".
6285	"	19	"only the thought of it came up with me" should be "did the thought come to me".
6286	"	23	"I could have" should be "I would have".
6287	7104	16	"our firm." should be "firms abroad."
6288	"	26	Insert "is" before last two words "an entire".
6289	7105	9	Place comma after "Dupont" and delete next word "had".
6290	"	17	"Dr. Siemlie" should be "Dr. Zimmerli".
6291	"	23	Last word "what" should be "which".
6292	7106	18	Insert "in" after "conducted".
6293	7107	3	"branch" should be "brands".
6294	"	29	"1939," should be "1938,".
6295	"	30	Delete "and" after "1939".
6296	7108	11	"he has been" should be "he had been". "from my" should be "of my".
6297	"	16	Insert "only" after "It was not".
6298	"	24	Change comma to semi-colon after "1938". Place comma after last word "Dupont".
6299	7109	23	"227" should be "226".
6300	7110	15	Change "but the last one" to "before the last one".
6301	"	16	Insert "types" after "distinct".
6302	"	25	Third word "passager" should be "passenger".
6303	7111	14	Add "the" at end of line after "since".
6304	"	21-32	Change "has been made" to "was made".
6305	7113	30	"ielaing" should be "delaying".
6306	7114	2-4	Change entire paragraph to read "All that could be imagined of these plans might have made themselves felt on us in some cases, through the action of the authorities who were concerned with the realization, let's

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6306	7114(cont'd)	2-4(cont'd)	say the Reichsamt. But we never had the plans in our hands, of course."
6307	7115	18	Change "said" to "gave".
6308	"	27	Insert "the nitric acid used in" before "the entire powder".
6309	7116	5	"that affects" should be "but affects".
6310	"	20	Insert "goods" after "peacetime".
	"	24	Insert "the" before "the".
6311	"	24	"was not great" should be "was especially great".
6312	"	25	"there war" should be "when there was".
6313	"	28	"or such other phenomena - " should be "or when such other phenomena occurred-".
6314	"	30	"the middle" should be "in the middle".
6315	7117	6	"of the clearing" should be "if the clearing".
6316	"	7	Insert "but" before "I think".
6317	"	16	Change "when the Herman Goering Werke set up" to read "in the creation of".
6318	"	17	Insert "which was accomplished later by the German Goering Werke." after "Germany".
6319	"	20	"when new plants" should be "when these new plants".
6320	"	21	"products" should be "product". Insert "Ruhr" before last word "industry".
6321	"	27	Change "itself, and Tropach" to read "to the Fisch-Tropach".
6322	7118	3	"decilities," should be "facilities".
6323	"	12	Place period after last word "Goering".
6324	"	13	Begin new sentence with "Besides".
6325	"	20	"in Poland" should be "with Poland".
6326	7119	15	Change "the organization" to "of the preparation".
6327	7120	9	"by Dynamit" should be "of Dynamit".
6328	"	14	"where bombing" should be "when bombing".
6329	"	16	Change "by the fact" to "in the sense".
6330	"	24	Change last word "thinkers." to read "and clear thinking men."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6331	7120	31	Place comma after "experiences".
6332	7121	1	Insert "in" after first word "concluded".
6333	"	2	"gegen" should be "begen".
6334	"	4	"Mr. Conshaw (Phon.)" should be "Mr. Cronshaw".
6335	"	21	Add "plant" at end of line after "Boechst".
6336	"	26	"bo" should be "go".
6337	"	29	"Kuchlmenn's," should be "Kuhlmann's in France,".
6338	7122	17	"45 and 50" should be "45 to 50"
6339	7126	16	Insert "We had no interest in losing our participations in manufacturing firms abroad." after second word "later."
6340	7128	2	Change "occasion" to "reason".
6341	"	7	"personal questions?" should be "personal questions?"
6342	"	16	Change period to comma after "years". Continue sentence with "when".
6343	"	17	Insert "that is" before "in 1925". Place period after "1925".
6344	"	18	Begin new sentence with "At that time, labor questions".
6345	7128	19	Insert "at the same time" before "heads employers".
6346	7129	7	Change period to semi-colon after "Tea". Insert the following sentences after "Tea;" and before "but as long as":

so the charts produced by the Prosecution concerning the various categories of German workers, foreign workers, prisoners of war, etc. Those belonged to the material on which Dr. Struss reported regularly and quite specifically in connection with the new installations, because from the progress of new installations resulted the quicker or slower expenditure for such installations, and our financial department wanted to know about that exactly, of course.

Q. Can you tell me the approximate date when in most parts of Germany unemployment came to an end?

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6346	7129(cont'd) 7(cont'd)		<p>A. One can say that in most parts of Germany unemployment came to an end in 1938.</p> <p>Q. Were laws issued at that time which regulated working conditions and especially the assignment of labor?</p> <p>A. Yes. The assignment of labor had fundamentally already been regulated by the so-called labor offices, through which labor was assigned to the firms.</p>
6347	7129	16-17	Delete "conscripted".
6348	"	17	Insert "of the building trade," after third word "workers".
6349	7133	14	Insert "but to my knowledge there was" after second word "same".
6350	7134	1	Change "camp." to "works."
6351	"	6	"Dr. Wittmer" should be "Dr. Wittwer".
6352	7136	4	"participage" should be "participate".
6353	"	9	<p>Insert the following answer after line 9:</p> <p>A. No. Before that time I do not remember any conference with the authorities.</p>
6354	7137	22	"Turgi" should be "Tarchi".
6355	"	31	Insert "forcibly." after "laborers".
6356	7138	19	"'8' plants." should be "'Schutzbetriebe'."
6357	7141	5	"rapid process," should be "Roppe process,".
6358	"	10	Insert "and where the various workshops, laboratories, etc., could be used." after "products".
6359	7142	14	"Exhibit 1404" should be "Exhibit 1408". Delete "(1408 Reviewer)".
6360	"	19	Place quotation marks after "Ministry".
6361	"	20	Place quotation marks before "on 2 November".
6362	"	23	Place quotation marks after "per year".
6363	"	24	Place quotation marks, before "Secondly,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6364	7144	4-5	Change "Since the city of Auschwitz had been eliminated," to read "After Auschwitz had been suggested,".
6365	"	5	Insert "was asked and" after "authority",
6366	7146	3	Change "Administration." to "Central Bookkeeping Department."
6367	"	6	"would not now adopt" should be "would now abandon".
6368	"	7	Place quotation marks after first word "examinations." Also before last word "Auschwitz".
6369	"	15-16	Change from "document" in line 15 through line 16 to read as follows: document. Furthermore, the memorandum reads: "it will be necessary to carry out there a settlement policy to a greater extent in order to house German workers at Auschwitz."
6370	"	18	Insert "I am sorry. I mean Exhibit 1413." after "German."
6371	"	24	Change "then was necessary in other plants." to read "then in other industrial districts."
6372	7147	12	Add "It is KL-5782." after last word "today."
6373	"	19	"page 89" should be "page 94".
6374	7148	26	Place quotation marks after "conferences."
6375	7149	3	Delete quotation marks before "I still".
6376	"	9	Delete quotation marks after "February".
6377	"	12	Place comma and insert "page 71" after "Book 72".
6378	7151	7	"temporarily" should be "temporary".
6379	"	10	Delete "outside".
6380	7152	26	"I had gained" should be "I gained".
6381	"	28-29	"a network extensive" should be "an extensive network".
6382	7153	16	"open new" should be "open & new".
6383	7155	18	"They have got" should be "They got".
6384	7156	22	"end hour," should be "an hour,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6385	7156	28-31	Change from "buildings in line 28 through line 31 to read "buildings were progressing rapidly. The machine and boiler houses, and the installation of boilers and containers had been started. During the first visit, only building firms not belonging to Farben were leveling the ground, laying tracks, etc., but during the second visit there were building contractors, installation and electrical".
6386	7157	1	Insert "probably in certain fields" after second word "and".
6387	"	9	Change second word "installments," to "installations".
6388	"	29	"were being" should be "be".
6389	7158	15	Insert "Mr. Hoess, about the concentration camp inmates " after "concentration camp,".
6390	"	16	Change "in a change about" to "namely the question of".
6391	"	21	"was not the cause" should be "cannot be the cause".
6392	"	29	"he wanted" should be "we wanted".
6393	7159	12	Change "of high rank," to "of some rank,".
6394	"	21	Delete comma after "plant" and after "Koksagys". "was to be" should be "were to be".
6395	"	29	"workship," should be "workshop,".
6396	7160	1	Change "probably doors and window frames" to "probably barracks, doors and windows for barracks".
6397	"	7	"Capo" should be "Capos".
6398	"	8	Place semi-colon after "condition." Change next word "that" to "they".
6399	"	13	Change "and that was" to "and what we happened to see was".
6400	"	18	"One say" should be "One saw".
6401	"	27	Change last word "leadership." to "management."
6402	"	32	Insert "to" after "second".
6403	7161	12	Change last two words "that plant." to "that camp." Add "This is a mistake

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6403	7161 (cont'd)	12 (cont'd)	in the translation." to complete paragraph.
6404	"	17	Change "I tell you" to "I say".
6405	7162	14	Delete "large". Insert "the beginning of that later large camp" before "which is always".
6406	7163	7	Change "two beds together," to "two barracks put together,".
6407	7164	4	"partisans." should be "artisans."
6408	"	18	"work" should be "word".
6409	"	22	"paragraph 115" should be "paragraph 195".
6410	7165	20	Change last two words "in the" to "regarding".
6411	7166	21-22	Change "inmates — not prisoners of war." to "prisoners of war — no, no, on inmates — not prisoners of war."
6412	7167	10	Insert "when" after "July".
6413	"	20	Change "engagement of" to "treatment of".
6414	"	21	Delete "in the construction camp inmates"
6415	"	22	Place period after second word "work." Delete next word "and" and begin new sentence with "That was".
6416	7169	6	"Rankfurt," should be "Frankfurt,".
6417	"	15	"1939" should be "1938".
6418	"	27	Second word "no" should be "not".
6419	7170	1	Change "a conspiracy close contact", to read "a conspiracy implies existence of a closer contact."
6420	"	7	Change first word "that" to "with whom".
6421	"	8-11	Delete as repetition from "On the other hand," in line 8 through "them at all." in line 11.
6422	7171	12	Insert "of bankers and industrialists" after third word "fraction". "was considered" should be "were considered".
6423	"	16	"some" should be "so many".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6424	7173	8	Change period to comma and add "which is NL-5182" after "Exhibit 237".
6425	"	9	"NL-8162," should be "In NL-5182,".
6426	"	19	"Mrs. von Schnitzler" should be "Mr. von Schnitzler".
6427	"	22	Insert "in" after "brought in".
6428	7174	2	"Dr. Silcher," should be "Dr. Siemers,".
6429	7175	25	"on the Flix" should be "of the Flix".
6430	7176	11	"Horden," should be "Horsen,". Change last word "begun" to "put".
6431	"	21	Change "conglomeration" to "collaboration".
6432	"	27	Last two words "together with" should be "collaborated with".
6433	"	32	Change line 32 to read "omission was made of one expression used by me in other places, 'Dr. Bargin or one'".
6434	7177	1	Delete "that I used generally".
6435	"	2	Insert "and" after first word "error".
6436	"	6-7	Change "and you say one" to "or one".
6437	"	15, 18, & 23	"Adken" should be "Aken".
6438	7178	2	Change line 2 to read "Duisberg in New York, was president or vice-president. At any rate, he was".
6439	"	3	L. : "the some" should be "the son".
6440	7179	12	Insert "of the white-color employees and not" after first word "view". Also insert "Professor Selck was of course in a large office in Frankfurt." after "workers."
6441	7181	2-3	Place comma after "stand" and delete following words "you had to take care of".
6442	"	4	Change period to comma after "view". Continue sentence with "you left".
6443	"	5	Place period after "Huerlein". Begin new sentence with "But perhaps,".
6444	"	12	Change "business men, technicians" to "sales men, scientists, technicians".
6445	"	17	Delete "to make him". Change "to any" to "of any".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6446	7181	24	Change "main conference," to "scientific central conference,"
6447	7182	4	Change line 4 to read "No, he didn't have such a position. In these conferences, he was always a".
6448	"	7	Change "ever try" to "have the right".
6449	"	12	Insert "There," at beginning of line. Continue sentence with "of course,"
6450	7183	22	Delete "being" before "rejected."
6451	7185	28	Change second word "part" to "intensified."
6452	"	32	Change third word "became" to "that".
6453	7186	12	Place comma after "nature" and change next word "which" to "it".
6454	"	16-20	Change from "emphasized" in line 16 through end of paragraph to read "emphasized independence and individual responsibility of each Vorstand member with respect to his field as it becomes apparent from your statement, what then was the general business management prescribed by the Corporation Law in the case of a Vorstand having several members?"
6455	718 7	2	Delete "to a certain extent" Place comma and insert "so to say," after next word "was".
6456	"	6	"with r" should be "with respect".
	"	19	"did each" should be "did such".
6457	"	20	Third word "receive" should be "received".
6458	"	28	First word "their" should be "his".
6459	7188	2	Change "I had nothing" to "I can add nothing".
6460	"	15	"On man" should be "One man".
6461	"	27	Add sentence "Principally there was a footing of equality in the Vorstand." after "question."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6462	7189	15	Change from "whether" in line 15 to read "whether things changed before and after. I would say from my practical knowledge that it was quite the same before and after."
6463	"	28	"on the supplementation of those plants" should be "in supplementation of those questions".
6464	7190	4	"At the time" should be "At that time".
6465	"	9	"after that time" should be "up to that time".
6466	"	31	Change "those details" to "this field".
6467	"	23-24	Change "since no actual" to "and besides a".
6468	"	24	Delete last two words "as yet".
6469	"	27	Change "Chama," to "TEA,".
6470	7191	31	Insert "in" after second word "things".
6471	7192	3	Insert "except for " before "the fact".
6472	"	9	"five questions," should be "few questions,".
6473	7193	4	Change "to hear on." to "to listen on."
6474	"	24	Change "that you told him that event" to read "that, but you told him that in that event".
6475	"	29-32	Change from "answered" in line 28 through line 31 to read as follows: answered: "That is not correct, and if you made any insinuations to that effect, you did not make them in such a way that it allowed me to make such conclusions as are expressed now."
6476	7194	27	Change line 27 to read "(pos)sible that you made to me some general

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6476	7194	27 (cont'd)	insinuations at some time, and that I then".
6477	7195	2	Change "I must reply to this question" to read "Before answering that question I must go into the matter".
6479	"	5	"world in Farben, in the" should be "world or in Farben, or at the".
6479	"	5-6	Change "council of the Vorstand, etc." to "building in Frankfurt,".
6480	"	7	"been concerning in" should be "even concerning the"
6481	"	8-9	Delete "of doing that,".
6482	"	10	"that kind" should be "any kind".
6483	"	12	Delete "afterwards". "thatwas" should be "they were".
6484	"	13	Third word "don't" should be "didn't". "fact" should be "Facts".
6485	7197	14	Change line 14 to read "(deter)mination of the site of Auschwitz for the Buna factory, that the".
6486	"	17-18	Change "the population questions with respect to" to read "the necessity of spending millions for".
6487	"	27	"he had" should be "you have".
6488	"	29	"I replied" should be "I reply". Delete comma after "it".
6489	7198	24	"not only discussed on" should be "not discussed only on".
6490	"	25	Insert "probably from" after "Krauch's Bureau,". Also insert "and was submitted for examination to" before "Dr. Ambors".
6491	"	26	Change "for himself," to "perhaps myself,". "has been discussed" should be "was discussed".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6492	7198	28-29	Change "in this particular instance" to read "a matter involving a foreign country,".
6493	7200	13	Insert sentence "For these you have to find a proper place." after "imported."
6494	7201	20	"there were " should be "they were".
6495	"	21	"they were Germans" should be "They were people".
6496	7203	3	Delete third word "any".
6497	"	4	Delete "85 per cent of".
6498	"	5	Insert "to the extent of 85%," after first word "people".
6499	"	6	"greater" should be "great". Delete "an" before "a country".
6500	"	7	Change "procurements" to "production".
6501	"	8	"that Germany would feed" should be "for Germany to feed".
6502	"	10	Change first word "countries" to "land".
6503	"	13	Delete "the" before "unfavorable".
6504	7204	15	"German" should be "Germany".
6505	"	17	"Chemistry" should be "Chemical".
6506	7205	31	Place comma and insert "so to say," after "worked".
6507	7207	25	Change "with a staff for" to "in the staff HUK". Place parentheses before and after "armament and war production", placing comma after final parenthesis.
6508	"	29	Place quotation marks before first word "As".
6509	7209	17	Insert "even" after "scarcity of coal".
6510	"	31	Change "more larger" to "most of the larger".

Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
6511	7210	1	Last word "city" should be "cities".
6512	"	32	Change first word "unfree" to "forced".
6513	7212	13	"that took" should be "we took".
6514	7213	11	"of the commissar" should be "as commissar".
6515	7214	24	Delete "held," before last two words "to keep".
6516	7215	17	Change "Herr Von Schnitzler" to "Herr Winkler". Insert "from von Schnitzler and also" after "to hear".
6517	7216	7	Change "except in the business field but" to read "because he worked only in the sales department. But".
6518	7218	8	Place period after "document".
6519	7218 & ff	13 & ff	Change "Skieros" to "Zgiers".
6520	7219	20	Add "me" after last word "with".
6521	7220	1	"I can" should be "I cannot".
6522	"	3	"for the case that we might" should be "in case we might".
6523	7221	30	"on either" should be "at either".
6524	7224	4	"page 41.." should be "page 41.."
6525	"	6	Insert "the negotiations regarding Francolor because" before first word "participation".
6526	"	9	"Attorney Loncie," should be "Attorney Loncie".
6527	"	30	"representative" should be "representatives".
6528	7226	5	Change comma to semi-colon after second word "companies".
6529	"	13-14	Change "which are not covered by the agreement." to "outside of the main field."

Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
6530	7226	29	"Exhibit 2157," should be "Exhibit 1257,".
6531	7228	6	Change third word "office" to "seat", "is relying" should be "has to rely".
6532	"	8	Insert "from" before "later meet- ings".
6533	"	11	Delete first word "certain".
6534	"	12	"misinterpret" should be "misinter- preted".
6535	7229	14	Change "other contracts." to "other east companies."
6536	"	15-16	Change lines 15 & 16 to read "Mr. Ambros the model of a trustee con- tract, and I recommended such clauses to be incorporated".
6537	"	17	Second word "a" should be "the".
6538	"	19-20	Change line 19 through "industry" in line 20 to read "worked out in the Reich Ministry of Economics by Dr. Ungewitter of the Economics Groups together with representatives of industry,".
6539	"	22	"has never been actually" should be "was never actually".
6540	"	23	Third word "is" should be "was".
6541	7230	11	Delete comma after third word "held", "agency" should be "agencien", "Dr. Mechelle" should be "Dr. Michel".
6542	7231	11	Delete comma after second word "you", Insert "to" before "defendant". Also insert "to" before "you and the defendant".
6543	"	12	"members," should be "member,". Place comma after "Dr. Waibel".
6544	"	13	Insert "to" after first word "and".
6545	"	18	Insert "and" before "at the foot".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6546	7231	20, 21	"Inner Dyestuffs Committee" should be "Dyestuffs Steering Committee" (both times).
6547	"	21	Insert "and" before "therefore,".
6548	7232	6	Change "or the other" to "or another".
6549	"	7	Change "was affiliated to" to "existed at".
6550	"	8	Change "namely," to "and".
6551	"	19	"no one" should be "any one".
6552	7233	11	Change "voted on" to "agreed to".
6553	"	18	"but consumes" should be "and yet consumed".
6554	"	30	Change comma to period after "question". Begin new sentence with "In order".
6555	"	31	Place comma after "agreement".
6556	7235	3	Delete "that this".
6557	"	14	"this is proper" should be "it is proper in".
6558	"	15	Change "to look for" to "to fetch".
6559	7236	6	Delete comma after "firms".
6560	"	7	Delete commas after "signed" and after "accomplished".
6561	"	15	Change "any influence" to "a very far reaching influence".
6562	"	31	Change "points," to "plants,".
6563	"	27	First word "intermediated" should be "intermediates".
6564	"	29	Second word "was" should be "were".
6565	7237	20	"page 8," should be "page 181,".
6566	"	21	Change period to dash after "Francolor". Next word "That" should be "it"

Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
6567	7237	23	Last two words "turned to" should be "turned over to".
6568	"	24	Change "for manufacturers for that plant." to "of the production."
6569	"	27	Change first word "That" to "He".
6570	7238	3	"What is funny" should be "To know what is funny".
6571	"	5	"Schrieber" should be "Schieber".
6572	"	12	Insert "in" before last word "Count".
6573	7243	27	"Schicher" should be "Schieber".
6574	7244	6-7	"although one or the other person was there who" should be "although there was also one or another person who".
6575	"	8	"Mr. Daerr." should be "Mr. Doerr."
6576	7246	1	First word "Nor," should be "Now,".
6577	"	3	"Krach" should be "Krauch".
6578	"	11	Insert "in" before last two words "view of".
6579	"	12	Change "a legal member" to "head of the legal department".
6580	"	17	Place comma after "necessary".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
581	7251	25	"underneath" should be "under".
582	7253	6	Add "normal" after last word "of".
583	7253	8	Change "into the Plan" to read "even if there were no Four Year Plan."
584	7253	9	Change "they had" to "such projects had".
585	7253	11	"head" should be "herding".
586	7253	21-22	Change from "his first" in line 21 through "field" in line 22 to read as follows: the first lecture of a scientific nature that very day on "Progress in the Dyestuff Field".
587	7253	32	Place comma after first word "known". "have been" should be "were".
588	7254	1	Change "old credits" to "the old field of Dynamit Nobel".
589	7254	9	"KTX" should be "MGX".
590	7255	5	"be made" should be "is made".
591	7255	8	Change "They are," to "The excerpts are,".
592	7255	17	"we all, all" should be "we are all".
593	7256	19	Change "processes" to "occurrences".
594	7257	14	Insert "at the wish of" after "time".
595	7257	15	"Krauchs" should be "Krauch".
596	7257	30	Insert "in Wolfen" before first word "which".
597	7260	2	Delete "then" after "times".
598	7261	15	Change last two words "under the" to "taken care of by the".
599	7261	16	Insert "of Economics" after second word "Minister".
600	7261	17	"suppose if the question" should be "if a question".
601	7261	22	First word "real" should be "really".
602	7261	27	"underneath" should be "under".
603	7262	13	"persuing" should be "persuing".
604	7263	3	"and similar," should be "and the similar,".
605	7263	5	Change "was necessary" to "had to be filled out in writing".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
6606	7263	16	"in either armament industries" should be "into either armament industry".
6607	7263	22	Change "constituted" to "performed".
6608	7263	31	Delete "neeth" at beginning of line.
6609	7264	7	Last two words "or normal" should be "of normal".
6610	7264	8	Change comma to period after "production".
6611	7265	5, 11	"dye stuffs plant" should be "dyestuffs plant".
6612	7265	12	Change "was a constructing product" to "concerned contracting products".
6613	7265	15	"to the extent" should be "to such an extent".
6614	7265	25	"underneath" should be "under".
6615	7266	3	First three words are "a Mob plan".
6616	7267	4	"did you task" should be "did you talk".
6617	7268	11	"is true." should be "is not true".
6618	7268	23	Place comma after "employees".
6619	7268	24	Place comma after "defendants". "they participated" should be "and participated".
6620	7269	20-24	Change from line 20 through end of paragraph to read "That is, the apparatus dismantled and built up again at another spot. On the other hand, in the case of certain extensions - for instance, in the case of phthalic acid which so far was produced only at Ludwigshafen - we built for the additional production which was needed for general economic reasons not at Ludwigshafen but at Schkopau. That doesn't mean that anything was interrupted or dismantled at Ludwigshafen. This concerns phthalic acid."
6621	7270	8	"trustees." should be "trustee."
6622	7271	8-9	After line 8 and before line 9, insert the following answer: A. Yes.
6623	7271	9	Change "A." to "Q."
6624	7271	21	"his capacity as" should be "the capacity of a".
6625	7271	22	"as membership then" should be "as a membership in the SS then".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
6626	7271	30-31	Change from "feeling" in line 30 through "Berlin" in line 31 to read "feeling against this tendency of a directed industry emanating at that time very visibly from the Berlin".
6627	7272	28-29	Delete "on the other hand".
6628	7272	30	Change "on top of that he observed" to "on the other hand he observes".
6629	7272	31	Insert "and under war conditions forced up - on him" after "Party".
6630	7273	8	"I started" should be "It started".
6631	7275	29	Insert "by the Prosecution," after "produced".
6632	7275	30-31	Change the sentence beginning with "The status" in line 30 to read "Part of it only could be replaced by buns because the status of processing did not, in those years, enable us to produce pure bun articles at that time."
6633	7276	1	"there is" should be "there are".
6634	7276	8	Delete "had" after "war".
6635	7276	21	Third word "bun" should be "buns".
6636	7276	23	"an information" should be "any information".
6637	7276	32	Insert "1940" after first word "July".
6638	7277	5	"we marked" should be "we mark".
6639	7277	23	Insert "the" after first word "of".
6640	7273	19	Second word "far" should be "fair". "inter" should be "water".
6641	7278	23	"lecture" should be "letter".
6642	7278	24-25	Change from "and this" in line 24 through "rubber." in line 25 to read "and the utterances in this document were made long after the outbreak of the war and concerned the then existing situation of the war needs of rubber."
6643	7278	26	Change second word "submitted" to "treated". Insert "by the industry concerned" after "accordingly".
6644	7279	20	Change "has a stand-by" to "had to build a stand-by". "and Wolfen," should be "at Wolfen,".
6645	7279	30	"I withdrew" should be "I withdraw".
6646	7280	17	"first word 'material'" should be "materials". "field" should be "fields".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
6647	7281	14	"In the Fall" should be "In March".
6648	7281	29	Second word "fer" should be "from".
6649	7282	7	Delete last word "That".
6650	7283	27	Delete "that it prohibits". Insert "was prohibited," after "know-how".
6651	7284	14	"that is" should be "there is".
6652	7284	15	Insert "where" after "Chemnyce".
6653	7284	17	"I never received" should be "I never left".
6654	7284	18	Insert "uninformed" after first word "Howard".
6655	7284	21	"document" should be "documents".
6656	7284	23	"called;" should be "named:".
6657	7285	11	"in Dupont, Neoprene" should be "in the Dupont Neoprene".
6658	7285	24	"joint" should be "Joint".
6659	7285	27	Second word "test" should be "text".
6660	7286	5	"beings:" should be "begins:"
6661	7286	22	"which we Farben," should be "under which we at Farben,".
6662	7286	25	"Jascon Company contract," should be "Jasco contract,".
6663	7289	4	"ntovies" should be "motives".
6664	7289	17	Change second word "countries" to "partners".
6665	7290	1	"Dr. Laser" should be "Dr. Lohr's".
6666	7290	9	Delete third word "first". Insert "only" after "this matter".
6667	7290	11	"that in the fall" should be "that even in the fall".
6668	7290	14	Place period after "was". Begin new sentence with "But if the".
6669	7290	15	Change line 15 to read "forbids me to give Buns to America—the prohibition must have been made—why should".
6670	7290	19	Change "and I have" to "is the following: I have".
6671	7290	22	"every difficult" should be "very difficult".
6672	7290	27	Change second word "contract" to "contradict".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
6647	7281	14	"In the Fall" should be "In March".
6648	7281	29	Second word "fer" should be "from".
6649	7282	7	Delete last word "That".
6650	7283	27	Delete "that it prohibits", Insert "was prohibited," after "know-how".
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6652	7284	15	Insert "where" after "Chemnyce".
6653	7284	17	"I never received" should be "I never left".
6654	7284	18	Insert "uninformed" after first word "Howard".
6655	7284	21	"document" should be "documents".
6656	7284	23	"called;" should be "named;".
6657	7285	11	"in Dupont, Neoprene" should be "in the Dupont Neoprene".
6658	7285	24	"joint" should be "Joint".
6659	7285	27	Second word "test" should be "text".
6660	7286	5	"belinge;" should be "begins;"
6661	7286	22	"which we Farben," should be "under which we at Farben,".
6662	7286	25	"Jescon Company contract," should be "Jesco contract,".
6663	7289	4	"atovies" should be "motives".
6664	7289	17	Change second word "countries" to "partners".
6665	7290	1	"Dr. Luser" should be "Dr. Lohr's".
6666	7290	9	Delete third word "first". Insert "only" after "this matter".
6667	7290	11	"thrt in the fall" should be "that even in the fall".
6668	7290	14	Place period after "was". Begin new sentence with "But if the".
6669	7290	15	Change line 15 to read "forbids me to give Buna to America—the prohibition must have been made—why should".
6670	7290	19	Change "and I have" to "is the following: I have".
6671	7290	22	"every difficult" should be "very difficult".
6672	7290	27	Change second word "contract" to "contradict".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
6673	7290	28	Change line 23 to read "handling of know-how in America, and it is quite clear that Farben sent enormous".
6674	7291	3	"Conference," should be "Conferences,".
6675	7291	7	"We are" should be "We were".
6675	7291	9	Change period to comma after "situation".
6677	7291	10	Change "Unless we be unable to react" to read "and endangering".
6678	7293	2	"Buna patent," should be "Buna patents."
6679	7293	12	Change second word "this" to "as".
6680	7294	12	Insert "Plan" after "Four Year". Also insert "there" after "erected".
6681	7294	24-25	Place period after "location". Change "in the point of coal and calcium," to read "We always said at the time why not nearer to coal and limestone,". "shipoint" should be "shipping".
6683	7294	27	Insert "in Summer" after "water".
6683	7294	30	Insert "Plan" after "Four Year".
6684	7295	6	Change "to the time of the" to "to that time there was this".
6685	7295	7	P comma after "prohibition".
6686	7295	8-9	Change lines 3 and 9 to read "Brinckmann — always from the point of view of our private economic consideration to build a factory in the right location — in order to influence him: first of all, "that".
6687	7295	14	"we would not" should be "we should now".
6688	7296	16	Change "already said was" to read "previously designated as".
6689	7296	9	"that a conference in Munich brought up." should be "that the conference in Munich brought about."
6690	7297	1	Delete quotation marks before first word "believed".
6691	7297	9	Add "But after peace had been concluded at Munich" after last word "that".
6692	7298	3	"of this witness." should be "to this witness." "If Dr. Berndt went" should be "Dr. Berndt wanted".
6693	7298	4	"so we have" should be "and we have".
6694	7298	5	Delete "(7)" after first word "question."
6695	7298	19	Insert "on that Count" after "your client".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
6696	7299	25	Delete "which was" before last word "before".
6697	7300	11	Place comma and insert "not very large," after "valent,".
6698	7300		Correct pagination on page beginning "held in 1941" from "7300" to "7301".
6699	7301	11	Second word "planations," should be "plantations,".
6700	7301	14	Insert "are" before "arbitrary".
6701	7302	23	Place quotation marks after "information."
6702	7305	4	"Draw off," should be "drawn off,".
6703	7305	7	"March on" should be "March or".
6704	7307	11	"1940 and the exact date for 1943" should be "1940, the exact date,".
6705	7307	13	"production plan" should be "production plan of the Office for German Raw Materials,".
6706	7307	24	"I could only skip" should be "I have skimmed". Insert "quickly only" after memorandum".
6707	7307	27	Add "unfortunately" at end of line after "that we".
6708	7309	18	"those points" should be "those parts".
6709	7310	5	"that happen" should be "that to happen".
6710	7310	6	Last word "earlier," should be "later."
6711	7311	6	"I geve" should be "I give".
6712	7312	23	"you have had" should be "you had".
6713	7312	24	"haven't you?" should be "didn't you?".
6714	7312	31	Change "a circle" to "a student circle (Studentenzirkel)".
6715	7314	2	"Dr. Brandt" should be "Dr. Berndt" (twice).
6716	7315	25-26	Place comma after "about" and change "however," to "but".
6717	7317	19	Insert "understand it," after "I think we do".
6718	7318	30	"f.r." should be "e.g.". Insert "economic" before "spheres,".
6719	7320	26	Add "ask" after last word "even".

No.	Page	Line(s)	PROPOSED CORRECTION
6720	7322	14-15	Change from "but when" in line 14 through line 15 to read "but when I took over the leadership of the then created Vertrauensrat, representing Dr. Dehnelt who was ill, I was also entrusted with the".
6721	7324	1	Add "(after recess)" after "AFTERNOON SESSION".
6722	7324	19	Change semi-colon to comma after "Leuna".
6723	7324	22	"Frounisten" should be "urocurists". Delete quotation marks.
6724	7326	6-7	Change "Document 10," to "VI-7933, in Document Book 10."
6725	7326	21	Change first word "As" to "So I was".
6726	7326	22	Insert "a member of" before first word "the". Also insert "of" before "the leader" and before "the economic."
6727	7326	23	Insert "of" before "the Chemistry". "Gauleiter" should be "Gvalastung".
6728	7326	24	Change comma to period after "any oath". Begin new sentence with "The".
6729	7326	25	Insert "to become deputy head of this office," after "Dr. Ley,".
6730	7326	28	"There was" should be "there were".
6731	7328	23	Insert "of the" after "Jenischks".
6732	7329	1	Insert "Heuer, of the Gas factory" after "foreman". Delete next word "Gasfabrik".
6733	7329	7	Place quotation marks before first word "As".
6734	7329	13	Place quotation marks before first word "During".
6735	7329	12	Delete comma after "workers". Change last word "and" to "in which".
6736	7329	24	Place quotation marks before first word "Feeding".
6737	7329	23	Place quotation marks before first word "I".
6738	7330	1	"veeding" should be "feeding".
6739	7330	15	Place quotation marks before first word "When,".
6740	7331	17	Delete second word "that".
6741	7331	21	"a vice-president" should be "as vice-president".
6742	7331	31	Delete "he" before "remained".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
6743	7332	6	Last word "ere" should be "to be".
6744	7332	16	"and this is an affidavit" should be "which is an affidavit".
6745	7332	19	Change period to comma after second word "again", and continue sentence with "but that at the end of 1932".
6746	7332	26	Insert "of this document," after "original".
6747	7335	2	"the formalities" should be "the formalities".
6748	7337	20	Insert "the" before "appointment".
6749	7339	18	Change "anniversary" to "day".
6750	7339	19	"the SS." should be "the SA."
6751	7339	20	Change "to support the organisations and" to read "for social care or for".
6752	7340	2	"Eckeling" should be "Egeling".
6753	7340	4	Last two words "of the" should be "to the".
6754	7340	18	First word "affidavits," should be "affidavit,". Place comma after "book 1" and change "and Bueteffisch," to "and the Bueteffisch affidavit,".
6755	7340	19	"refers" should be "infers".
6756	7341	15	Place period after first word "development". Begin new sentence with "That". Place comma after "uses".
6757	7341	16	Change period to comma after "forces" and change rest of line to read "is a fact, however, which is shared".
6758	7342	11	Place comma after "Casale".
6759	7343	24	Change "was 522,000" to "increased to 522,000".
6760	7345	17	Change "that is introduced" to "these records are introduced".
6761	7345	17-19	Change "the market for technical nitrogen" to read as follows: the paragraph "series and market situation for technical nitrogen"
6762	7345	24	Place quotation marks after "quantity".
6763	7345	25	Change "interesting each" to "interesting statements".
6764	7345	26	Insert "is" before last word "submitted".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
6765	7345	27	Insert "Exhibit 15 in Book 8," after Document 117," and change "that is 6 prior to the war." to read "that is 6 days prior to the outbreak of the war."
6766	"	29	Place quotation marks around "Five-Year Plan for Nitrogen".
6767	7347	1	Insert "the" before last word "dyestuffs".
6768	"	4	Delete first word "of".
6769	7348	3	Change "was operated" to "was established".
6770	"	4	"operation of" should be "construction of".
6771	"	19	"production" should be "construction".
6772	7349	10	"That is just a plant." should be "That is merely a project."
6773	"	14	Last word "plant" should be "plants".
6774	"	15,22	"Gabel" should be "Gepel".
6775	7351	6	Insert "by the Aviation Ministry." after "purpose".
6776	"	28	"A war product" should read as follows: A "Handelsuebliche Kriegsproduct", which has been translated as a war product Also, place comma after "market".
6777	7352	2	Insert "or civilian products which can be used for war." after "market".
6778	"	7	Change "from the agricultural year" to "in the fertilizer years".
6779	"	28	Change "TNT," to "Hexogene and nitropenta,".
6780	"	29	Change "hexogene and nitropenta." to "them."
6781	7353	9	Insert "technical" before "nitrogen".
6782	"	11	Add "the development of" after last word "represents"
6783	7355	23	"petroleum products from tars," should be "petroleum products and products from tars,".
6784	"	25	"to consumption." should be "to the consumption curve."
6785	"	29	Insert "compared with the preceding years," after "increase,".
6786	7356	2	"Exhibit 5, Book 2" should be "Exhibit 4, Book 1".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6787	7356	8	Insert "to compensate for the import." after "increased".
6788	"	9	"They also make nitrogen" should be "They can be called even as nitrogen".
6789	"	10	Change line 10 to read "as so-called war products on the civilian market (handelsuebliche Kriegsprodukte)."
6790	7357	7	Insert "from carbon oxide and hydrogenium" after "producing".
6791	"	11	Add "free" after last word "now".
6792	"	13	Insert "Book 8," after "Exhibit 18,".
6793	"	14	Insert "corroborates it," after "patent,".
6794	"	22	Place comma and insert "the most important product of Sparte I," after "methanol".
6795	"	23	"which is" should be "which are".
6796	7358	3	Insert "with diagonal lines" after "upper part".
6797	"	4	Place comma after "purposes". Change "and was used for" to read "used principally for the production of".
6798	"	5	Change last word "uses," to "auxiliaries,".
6799	"	6	Insert "for karit-glue." after "above all,". Begin new sentence with "There were".
6800	"	15-16	Change "an area, with fifteen lines." to a green area."
6801	"	27	Last word "methanol." should be "methanol synthetically."
6802	7360	8-9	Change lines 8 and 9 to read "Q. It should be 693. Here must also be mentioned Prosecution Exhibits 722 and 723."
6803	7361	7	"clearly what" should be "clearly that".
6804	"	10	Change semi-colon to dash after "anhydrite".
6805	"	11-12	Delete period after "Leuna". Insert "which," after same word "Leuna" and continue the sentence with "after the" in line 12.
6806	"	13	Change "there was an agreement by" to "they could obtain by a".
6807	"	17	"on stocks" should be "only stocks". Last two words "and were" should be "which were".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6808	7361	32	Insert "of the Reich Economic Ministry" after "letter".
6809	"	24	Insert "armament" after "important".
6810	"	27	Change line 27 to read "carbonil iron, ammonium chloride, carbon, nickel, ammonium carbonate, and contacts, and".
6811	7362	5	"plastophan," should be "plastopal,".
6812	"	11	Insert "by Farben," after "suggested".
6813	"	18	"of preparation" should be "a preparation".
6814	7363	3	"then to break" should be "than to break".
6815	"	21-22	Change "on collaboration and technical matters." to read "about international agreements on technical collaboration."
6816	7364	16	"Book 9." should be "Book 8."
6817	"	22	"Mr. Faubl," should be "Mr. Faubel,".
6818	"	23	"Schmitzler" should be "Schmitz".
6819	7366	22	Insert "A." before first word "OKW"
6820	7367	6	Insert "abroad." after "branches".
6821	"	10	Insert "satisfied" after "they were not".
6822	"	12	Change "agents and officers," to "officer Major Bloch,".
6823	"	20	Change "sales, central to "sales combines."
6824	"	21	Delete first word "directorate;" Begin new sentence with "Because".
6825	"	22	Add "general" after last word "giving".
6826	"	23	"method of" should be "method through".
6827	"	24	Change "taken only really for instance," to read "never adopted, as far as I know."
6828	"	27	Change "taken" to "adopted".
6829	7368	6	Add "(Editor's Note: See line 32 below for correct date.)" after "1934".
6830	"	23	"Exhibit 826" should be "Exhibit 881". "You name" should be "Your name."
6831	"	29-30	Place comma after second word "therein" in line 29 and change rest of line 29 through "as such." in line 30 to read "but this has nothing to do with counter-intelligence or the transfer of information or other such things."

Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
6832	7369	16	Insert "So it was a demand of Canaris and not of the OKW." before first word "Then".
6833	"	20	Insert "merely" after "Farben was".
6834	"	27	Insert "stated" before "correctly".
6835	"	29	"Rudeiger." should be "Ruediger."
6836	"	31	Delete "together and".
6837	7370	4	"have construed" should be "be construed". Delete "had" before last two words "might have".
6838	"	7	Insert "For" before first word "Paragraph". Also insert "but" before "perhaps".
6839	7370	15	"in not complete," should be "is not complete,".
6840	7371	15	Place comma after "Abwehr".
6841	"	18	Change "war games" to "map games".
6842	7372	11	"newspaper" should be "newspapers".
6843	"	5	Change period to comma after second word "quietly". Change rest of line to read "that every man should stay at his post and that it was war".
6844	"	15	Insert "which" after "offices".
6845	"	18	Place period after "to say". Change rest of line to read "In my capacity as main plant leader — I will speak about it later — I".
6846	"	31	Insert "as member of the Vorstand and" after first word "capacity".
6847	"	22	"My positions" should be "As far as my positions".
6848	"	23	Insert "are concerned, they" after first word "Farben".
6849	"	26	Change line 26 to read "(Pro)fessional Training of the Cooperative Association, etc. But also the positions which dealt regionally with".
6850	"	27	Place comma after second word "questions". Change "through their offices and" to read "because of their". Place comma after "restrictions".
6851	"	30	Place question mark after "Leader". Last two words "and you" should be "You".
6852	7374	9	Place comma and insert "also Book 8," after "Halle".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6853	7374	18	Delete "than" before "in conclusion".
6854	"	15	First word "connection" should be "conclusion". "nature or" should be "nature of".
6855	"	19	"and measures are measures" should be "and similar measures taken by Farben were measures".
6856	"	21	Add "also" after last word "taken".
6857	"	23	Change "can be seen from the instances in" to read "one can read in newspapers. From".
6858	"	24	Delete period after "products". Continue sentence with "one might".
6859	"	25	Delete "a war".
6860	"	26	Change "on both sides" to "of war production".
6861	"	30	"description" should be "directing".
6862	"	31	Insert "submitted to" before "strict regulations".
6863	7376	3	Change "policy and Farben" to "events, Farben".
6864	"	22	Last two words "has been" should be "was"
6865	"	23	Insert "in the Flick case" after first word "translated". "with plant" should be "by plant".
6866	"	25	Change line 25 to read "conception plant leader (Betriebsfuhrer) and business manager (Geschäftsfuhrer) are something different"
6867	"	26	Change "corporate law and the business, as such," to read "business on the basis of the economic law,".
6868	"	32	Change second word "Hauptbetriebsfuhrer." to "chief plant leader."
6869	7377	2	Change "That should be" to "That is translated".
6870	"	4	"That's a repetition again." should be "And it is repeated again."
6871	"	6	Change second word "are" to "includes".
6872	"	12,19	"underneath" should be "under".
6873	7378	8	Change period to comma and insert "which is partly connected with the circumstances of his interrogation." after "prosecution".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6874	7378	14	Insert "which I consider important" after second word "Betriebsgemeinschaft".
6875	"	16	Change "the position within the law. The" to read "the decisive unit of the German labor law. I should like to say that the".
6876	"	17	Change line 17 to read "in the sense of the law for plant leader is not Betriebsfuehrer (plant leader) but Fuehrer des Betriebes (leader of the plant). The tendency of".
6877	"	18	Change period to comma after "evident" and change rest of line to read "to strengthen the position of the community of works of".
6878	"	20-21	Change lines 20 and 21 to read "opposed to the entrepreneur or the owner who is an outsider and, in a certain sense, a capitalist with the result".
6879	"	31	Delete "because".
6880	"	32	Delete "because the contract".
6881	7379	1	Change comma to period after "authorities". Begin new sentence with "The result",
6882	"	2	Change "are under" to "primarily were under".
6883	"	3-4	Change "of this language used to not apply to these conditions." to read "of the law about duty of allegiance do not apply to this relationship.".
6884	"	8	Insert "that is, in his work place," after first word "so,".
6885	"	9	Change "being able to apply" to "applying".
6886	"	14-15	Change from "council" in line 14 through "leader" in line 15 to read "council, to advise the chief plant leader, or, according to the law, the enterprise leader".
6887	"	16	Change "enterprises" to "concerns".
6888	"	18-19	Change from "competence" in line 18 through end of paragraph in line 19 to read "competence of the chief plant leader or of the enterprise leader with regard to the fact that according to German law at the time the local plant was the decisive unit of the labor law. It says:"
6889	7381	4	Delete last word "for".
6890a	"	26	"locality" should be "locally".
6890b	"	27	"for this law," should be "of this law,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6891	7382	12-14	Change entirely lines 12, 13 & 14 to read "was responsible for all questions going beyond mere technical matters, such as questions of social welfare concerning the entire plant, pensions, spare moneys, building matters for social purposes. The state social welfare policy, however, dealt with labor procurement, wages, social insurance."
6892	"	19	Insert "Mr." before first word "Weiss".
6893	"	29	Change "persons of the founding firms." to read "policy of the founding firms, and which is quite extraordinary."
6894	7383	1	First word "I" should be "It".
6895	"	21	"a affidavit" should be "an affidavit".
6896	"	23	Place period after "Exhibit 40". Begin new sentence with "It is".
6897	"	28	"to that." should be "of that."
6898	7384	1	Insert following line before line 1: "MR. SPEECHER: I assume that the purpose of this affidavit is given in the".
6899	"	7	"the showing may be" should be "that showing be".
6900	"	13	Place comma after "Miss Heyner".
6901	"	14	"have been procured" should be "be procured".
6902	"	17	Delete comma at end of line after "relevance".
6903	"	18	Change line 18 to read "that I have difficulties in procuring evidence. This has been stated".
6904	"	20-21	Change from "countries" in line 20 through end of paragraph in line 21 to read "countries has already been made part of the record by the Tribunal as you will no doubt remember. This is certainly of relevance."
6905	7385	21	Delete first word "to".
6906	"	25	Change "another country." to "a foreign country."
6907	"	27	Delete "but,".
6908	"	31	"the difficulties," should be "his difficulties,".
6909	7386	4	Insert "in" after "indulged in".
6910	"	6	"I was" should be "It was".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6911	7386	19	Delete last word "there".
6912	7387	20	Place comma after "affidavit".
6913	"	31	"in ralsity" should be "in reality". Place quotation marks after "lives."
6914	7389	13	"that part" should be "this part".
6915	"	14	Second word "for" should be "of".
6916	"	23	Change comma to period after "Landmann" and insert "They are not directly connected with the trial. They are in the hands of Dr. Landmann" before "and the correct- ness".
6917	7390	21	Second word "know" should be "known".
6918	"	30	Change "returned" to "prepared".
6919	7391	4	Insert "then," after "to meet". Also delete comma after "that is".
6920	"	23	Insert "in" after second word "aspects".
6921	7393	6	"in stock" should be "in a stock".
6922	7394	3	Place comma and insert "the" after "Cell Obmann".
6923	"	29	"discussing" should be "discuss".
6924	"	30	Add "of the" after "discussions" at end of line.
6925	"	31	Delete dash and insert "lasted about" after "Council".
6926	7395	9	First words "the age of" should be "the old age pensions of".
6927	"	29-30	Change "of social in politic should be" to read as follows: of "social policy" is correct; one could as well say
6928	7396	6	Insert "in" after second word "wards".
6929	7398	21	Delete "made them available to".
6930	7398	22-23	Place comma after "Council". Delete as repetition "or the Ten. Besides that, of course, the Enterprise Council and".
6931	7400	27	"Document 1327," should be "Exhibit 1327".
6932	7401	3	Insert "of the Francolor firm" after second word "workers".
6933	"	3-4	Place period after "work" and delete rest of sentence "of the Francolor firm."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6934	7401	31	Delete "A". Sentence in line 31 is the continuation of answer in lines 29 and 30.
6935	7403	18	"This deals" should be "This also deals".
6936	7406	2	Insert "loyal" after first word "the".
6937	"	6-7	"in those bodies" should be "in superior bodies." Delete "dealing with inter-plant matters in Farben."
6938	7408	5	Change "at the end," to "finally,".
6939	"	31	Insert "of the affidavit or the interrogation by the words" after "formulation".
6940	7409	1	Insert "even now." after "to me".
6941	7411	13	Second word "was" should be "is".
6942	"	19	Place comma after "on there".
6943	7412	10	"about 1929, 23,000 people." should be "in 1929, about 23,000 people."
6944	7413	1	"Dr. Euestrov." should be "Dr. Austrow."
6945	"	3	Insert "with numerous factories." after first word "(depart)ments".
6946	"	17	Change period to comma after "elsewhere". Continue sentence with "this".
6947	"	23	Place dash after "steps".
6948	"	25	Delete period and place dash after "plant".
6949	7415	3	Change "policy" to "general importance".
6950	"	9	"to my deputies." should be "to the initiative of my deputies."
6951	"	30	Change period to comma after "workers)". Continue sentence with "according".
6952	7416	12	Insert "about" after "come".
6953	"	30	Delete "It required".
6954	7417	15	"the deputies" should be "these employees as deputies".
6955	"	17	Insert "their duties in" after "also,".
6956	"	18	Change "had to conclude" to "consisted in concluding".
6957	7418	28	Change "generous" to "freedom to move about".
6958	7419	1	Change comma to semi-colon after "treatment". Insert "according to explicit regulations," after "however,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6959	7419	5	Change "different." to "fixed by special order."
6960	7420	9	Change "amount deducted," to "Eastern payment,".
6961	"	12	Delete last word "never".
6962	"	13	Change "any difficulty then" to "in the same way as".
6963	"	27	Change "easily and excitable people." to "rude and choleric men."
6964	"	29	Change "treatment for" to "attitude of the".
6965	7422	13	Change line 13 to read "which was delivered to the explosives sector was only later made into explosives there."
6966	"	14	"of war" should be "for war".
6967	7425	15	Insert "energetically," after "request".
6968	"	28	Second word "for" should be "from".
6969	7426	8	Place quotation marks before and after "To Keep Order in Plants".
6970	"	14	Delete parenthesis before and after "Abwehrbeauftragte".
6971	"	23	Delete "for" before last word "so."
6972	7427	21	Insert "was" after "complaint".
6973	"	29	Change "of the Fuehrer's an SS detail" to read "of the Fuehrer, an SS Special Commando."
6974	7428	10	"Have you had" should be "Have you".
6975	"	20	Place comma after "Department".
6976	"	21	Delete comma after "Legal"..
6977	7429	1-2	Delete "be available".
6978	7430	21	"Internation" should be "International".
6979	7431	4-6	Change from "itself," in line 4 through "the SS." in line 6 to read "itself, while in the camp the OKW, that is, the Stelag, or the SS, was responsible."
6980	"	7	Place parenthesis after "prisoners".
6981	"	8	Delete "as" after "prisoners".
6982	"	9-10	Change from "camp" in line 9 through "concerned." in line 10 to read "camp is a time-limited punitive camp."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6983	7431	13	Change "concentration camp inmates," to read "E-Prisoners,".
6984	"	19 & 20	Change from "because" in line 19 through "staff" in line 20 to read "because the head of the factory guard was not attached to the personnel department".
6985	"	22	Change "security detachment" to "factory guard".
6986	7432	6	Delete "people".
6987	"	9	"these reports were" should be "were these reports". Place question mark after "made".
6988	"	17	Change "correct" to "state".
6989	"	27	"This is" should be "That is."
6990	7433	1	Add "of the method" after "cases" at end of line.
6991	"	3	Change "any comment" to "the evidence explanation".
6992	7434	5	"Urhaus" should be "Kurhaus".
6993	"	12	Change last word "received" to "read".
6994	7435	2	"agent." should be "agency."
6995	"	8	Change "What was your relation" to "In what capacity were you connected".
6996	"	21	"was used" should be "was gained".
6997	"	22	Delete period and place dash after the first "synthesis". Continue sentence with "that is". Place period after the second "syntheses". and delete rest of line.
6998	"	23	Delete first three words "in that process." Insert "in order" after "decided".
6999	"	25	Insert "because of Diesel oil scarcity" after second word "sector".
7000	"	26	Insert "developed by us at the time" after "synol process".
7001	"	27	"carbonic oxides" should be "hydrocarbon".
7002	7436	1	Change comma to period after "available". Begin new sentence with "Since".
7003	"	2	Change "these projects that needed" to "larger productions which needed".
7004	"	3	Change "high production capacity in Leuna," to read "high requirements of the production already existing at Leuna,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7005	7436	4	Change "welcome because that Sparte I should" to "welcome occasion to Sparte I to".
7006	"	13	Insert "the technical part of" after "turned".
7007	"	14	Change "technical expert" to "production manager".
7008	"	16	"Book 7a." should be "Book 72,".
7009	"	19-20	Change from "process," in line 19 through "on the one hand" in line 20 to read "process, which in all its variations led to carbon oxide for mercol and fuel on the one hand,".
7010	"	22	Change "olphin." to "higher alcohol."
7011	"	23	"was of coke" should be "way of coke".
7012	"	28	Insert "decisive" before last word "import(ance)".
7013	7437	1	First word "cercity" should be "scarcity".
7014	7438	2	Change "Fifth" to "Ninth".
7015	"	14	"we have" should be "we will have".
7016	"	16	"could give" should be "could explain".
7017	"	27	Insert "from" before "the prospective".
7018	"	28	Add "in the plant of Anschwitz." after "operated".
7019	7439	7	Delete "of the first of February".
7020	"	8	Change "production to Anschwitz?" to read "production of Sparte I to Anschwitz in February?"
7021	"	11	Change "operational enterprise" to "management".
7022	"	26	Delete "we had".
7023	"	29	Change "as installed" to "as worked in".
7024	"	30-31	Change from "assistant," in line 30 through "plants." in line 31 to read "assistant, as enterprise engineer, as department manager, and as chief engineer."
7025	"	32	Insert "an excellent knowledge of his profession," after "since he had".
7026	7440	2	Last word "retaining" should be "re-training".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7027	7440	10	"have no" should be "have had no".
7028	"	27	Change period to comma after last word "moved". Continue sentence with "much material" in line 28.
7029	7442	1	Change "training rooms:" to "dining rooms:".
7030	"	5	"It had" should be "It made".
7031	"	11	"I took personally" should be "I personally got".
7032	"	26	Change "to go to me," to "to come to me,".
7033	"	27	Delete third word "did".
7034	7443	3	Change "take an" to "have an".
7035	"	29-30	Insert the following question and answer: after line 29 and before line 30: Q. From the records of the construction conference? A. Yes.
7036	7444	22	Insert "and" after "construction".
7037	7445	10	Change "social" to "unsocial".
7038	"	11-12	Change "that he died a natural death." to read "that Mr. Weinberg was not killed in a concentration camp but that he died a natural death."
7039	7446	6	Change "That is correctly stated in the affidavit." to read as follows: That is not stated in the affidavit either. It says only "mistreated".
7040	"	11	Change "involves" to "concerning".
7041	"	15	Insert "in the case of serious infractions of discipline" after "were prescribed".
7042	"	16-17	Place period after "either". Delete "in the case of serious infractions of discipline."
7043	"	19	Change first word "plant." to "way."
7044	"	21	Insert "especially" after "had not been". Delete last word "in".
7045	"	22	Delete "particular". "in Tea" should be "in the Tea".
7046	"	25	Change "that the Russians did" to read "that by order of the German authorities, the Russians in view of the military situation did".

Item No	Transcript Page	Line(s)	Proposed Correction
7047	7446	26	Place period after "for them". Delete "by order of the German authorities."
7048	7447	7	Change period to comma after "erected". Continue sentence with "if the children".
7049	"	9	"In other parts" should be "In other plants".
7050	"	16	"in Buna" should be "and Buna".
7051	"	20	"could find no means to avoid the" should be "could by no means be avoided under the".
7052	"	26	Delete "competitive". Add "work camps." after "Auschwitz".
7053	7448	28	"Did you bring this rumor in, in connection with" should be "Did you connect this rumor with".
7054	7449	24	Insert "and personal" after "confidential". Place period after "way" and delete next words "through personal agents."
7055	7450	5	Change "experiments." to "tests."
7056	"	14	"Reichsicherheitshauptamt." should be "Reichssicherheitshauptamt."
7057	"	15	Insert "Main" after "Security".
7058	"	19	"Agency," should be "Agent,".
7059	"	23	Change "to become the" to "as the".
7060	"	24	"Agency" should be "Agent". "to become" should be "as".
7061	"	28	Delete comma and add "of the" after last word "decrease".
7062	"	31	Change "was informed" to "was obliged". Place comma and insert "especially of the Gestapo," after "authorities".
7063	7451	29-30	Change "of the Vorwärts, otherwise the" to "from the Vorwärts to the"
7064	"	38	"the political" should be "and political".
7065	7452	24	Change "mechanization," to "motorization,".
7066	7453	1	"changes" should be "changed".
7067	7454	15	"For contributions" should be "Contributions".
7068	"	19	Change "categoring" to "catering".
7069	"	21	Insert "For apartments constructed with the help of the plant, 4.7 millions." before last word "For".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7070	7454	22	Change "etc." to "and sleeping halls,".
7071	"	25	"25.5 millions" should be "35.5 millions".
7072	7456	17	"has not been" should be "was not".
7073	7457	1	Last word "row" should be "role".
7074	"	12	Insert "you knew Baetefisch" after second word "that".
7075	"	13-14	Delete "was incorporated with your position."
7076	"	18	"but this" should be "to this".
7077	"	19	Delete third word "to".
7078	7458	3-4	Change "that it was with" to "of".
7079	"	14	Change line 14 to read "concerned. He took care of the department for examining the economic practicability of production in Leuna."
7080	"	18	Delete "one" before last word "man?"
7081	"	29	Change "of the plant." to read "of the part of the plant which concerned Leuna."
7082	"	31-32	Change "responsibility and tasks" to "responsible persons".
7083	7459	1	Change "it in part in Leuna." to "the important questions."
7084	"	2	Insert "his" before "representative". Also insert "in" after "way".
7085	"	3	"Dr. Hopke" should be "Dr. Hoepke".
7086	"	8	Delete "as" before "we didn't".
7087	"	18	Insert "and" after "evocation". Delete "and" before last word "he".
7088	"	23	Change "in a political or social way?" to "for his person or in any way related with his business?"
7089	"	24	Place period after "tell". Next word "anything" should be "Anyway".
7090	"	25	Change "didn't discuss that." to "didn't generally discuss it."
7091	"	30	Change third word "affairs." to "evening parties." Insert "also" after "I have".
7092	"	31	Change "interests from the" to "from any circle of".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7093	7460	81	Delete "he" before "endeavored".
7094	"	12	Change last word "I" to "he".
7095	"	20	Change "Did he have" to "When you had".
7096	"	21	Change "in that respect, and if so," to "in the plant,".
7097	"	27	"about it," should be "about them,".
7098	7461	5	Change last word "when" to "to create".
7099	"	6	Change "phase arose for our staff of German plants," to "basis for our plants in southeastern Germany,".
7100	"	7	"Bund" should be "Buna".
7101	"	11	Delete "since the question arose".
7102	"	12-13	Change lines 12 and 13 to read "it belonged to Sparte I, but was treated independently by the Bergwerk director Scharf."
7103	"	21	"by Plant" should be "for the plants of".
7104	7462	9	"he had reported" should be "he reported".
7105	7463	6	Change "Weidemann" to "Falkenhahn".
7106	"	22-23	Change the quoted sentence in lines 22 and 23 to read "Worn out and overworked human beings were to be found there, while others still looked quite well."
7107	"	23	Insert "in" before last word "that".
7108	"	31	Delete "only" after "was not".
7109	7464	9	"I had been" should be "I was".
7110	"	10	Change "little more on the whole," to "several workers,".
7111	7465	6	Change "remember" to "noticed".
7112	7468	24	"I heard" should be "I heard".
7113	7469	13	Change "released" to "freely recruited".
7114	"	14	Delete "to" before "such labor".
7115	7471	3	"slow" should be "slowly".
7116	"	15-16	Insert "Germany knew Russians were deported by force to" after line 15 and before line 16.
7117	"	28	Delete "that" after "used,". "has ordinarily" should be "was ordinarily".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7118	7472	15	Place period after "garde". Begin new sentence with "At some other". Change last word "employee's" to "personnel".
7119	"	16	Change "leader," to "department."
7120	7473	24	"Farben is Eastern" should be "Farben's Eastern".
7121	"	31	Insert "of the fact that" after "because". Place comma after "available".
7122	7474	20-21	Change "on the hand of Dr. Struss' charge" to read "through Dr. Struss' charts".
7123	"	21-22	Insert "and consequently the Vorstand members who were present in the Technical Committee," after line 21 and before line 22.
7124	"	30-31	Change from "applications in line 30 through "discussed" in line 31 to read "applications the details of which had been discussed in the TMA, and were presented to the Vorstand in summary. Some big credits were perhaps discussed".
7125	7475	3	Add "the" at end of line after "that".
7126	7477	23	"is impossible" should be "was impossible".
7127	"	29	"mostly done" should be "mostly prepared",
7128	7481	12,13	Change entirely lines 12 and 13 to read "French firms, for instance, Francolor, labor on the basis of the labor obligations — as far as I remember it was then this labor obligation — and we tried to get skilled workers, civiliane."
7129	"	26	Place period and insert "He was appointed" after "Questions".
7130	7482	18	Change "Weber" to "Faivre".
7131	7483	29	Change "I can answer that only restrictedly." to read "No, or only in a restricted sense."
7132	7484	3	Insert "in the case of Loune" after "Krauch,".
7133	7485	21	Change "the other" to "another".
7134	"	26	"Mr. Matti" should be "Mr. Mathy".
7135	"	28	Insert "till" before "1944,".
7136	7487	12	Place quotation marks at end of paragraph.
7137	7488	5	"crose-exam." should be "crose-examination."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7138	7488.	7	Insert "relation" after "particular". Delete "the" before "armement".
7139	7490	2	Change "to go upstairs" to "sitting upstairs".
7140	"	7	Change comma to semi-colon after "Strombeck". Change "though he was the only one." to "he was the only other one."
7141	"	12	Insert "A." before "Yes."
7142	7492	16	Insert "the" before "Abwehr".
7143	"	20	Place comma after "persons".
7144	"	21	Place comma after "Gastpo".
7145	"	28	"participate" should be "participated".
7146	7494	7	Change "of their offices for their security estimate." to "concerning the activity of the Abwehrbeauftragten with regard to the security police."
7147	"	8	"I could" should be "I can."
7148	7496	3	"being important" should be "been important".
7149	"	20	"underneath" should be "under".
7150	"	26	Change "during the IMT trial" to "in the IMT judgment".
7151	"	27	"former" should be "formal".
7152	7497	9	"stated opposition." should be "certain opposition." Delete "I believe you admit that, but". Begin new sentence with "If".
7153	"	10	"in opposition" should be "in our position."
7154	"	14	Delete "though".
7155	"	16	"if we even had" should be "even if we only had".
7156	"	19	First word "not" should be "now".
7157	7498	7	"to serve" should be "to say".
7158	"	9	Insert "I'm" before "somewhat".
7159	"	11	Insert "your question" after "State".
7160	"	30	First word "gotten" should be "got".
7161	7499	21	"gassing" should be "gasings".
7162	7501	26	"purused" should be "pursued".
7163	7502	12	Delete "that he".
7164	"	18	Add "in Heidelberg." after "1944" at end of line.

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7165	7502	25	Delete "once there".
7166	7503	4-5	Insert "I don't remember that now." before first word "Well,". Delete "I don't remember that now." after "later."
7167	"	19-20	Change lines 19 & 20 to read "A. Yes, this is the first meeting which we had with the OKW representatives and in this meeting the program was laid down with the different points mentioned here."
7168	7505	22	"saying" should be "to say".
7169	7507	19	"terminated," should be "terminate,".
7170	7508	2	Change "a few stages of production" to "several projects".
7171	"	3	Change "stages" to "projects".
7172	"	13	"I was" should be "I did".
7173	"	14	Second word "discussing" should be "discuss".
7174	"	27	"I have visited" should be "I visited".
7175	7509	25	Place period after "matters". Begin new sentence with "It was".
7176	7510	13-14	Insert after line 13 and before line 14 the following: A. This may have been in a nitrogen discussion only. I do not remember any other discussion. B. Do you recall your own purpose with regard to the production of line nitrogen of the Messig-Falkenberg plants in 1938? Do you recall having made any decision in this matter?
7177	7512	12	Delete second word "not".
7178	7513	3	Insert "which he received and which are contained in this document," after "Office,".
7179	7514	2	"the certain" should be "a certain".
7180	"	3	"tied down" should be "laid down".
7181	"	13	Delete "had" after "Stine".
7182	"	16	Delete "and then".
7183	"	17-18	Change line 17 and through "but not" in line 18 to read "The credit requests when they were submitted to the TLA were subdivided according to the particular plants but not".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7184	7514	19	Add "in the value of so and so much." to complete sentence after last word "procured".
7185	"	20	"said in summary" should be "would say in summary".
7186	"	24-25	Change from "matters?" in line 24 through line 25 to read "matters and were there not many other matters".
7187	"	26	Place question mark after "discussed".
7188	"	30	Change "the food question," to "guards, food,".
7189	"	31	Change "settled, or was there any independent answer possible" to "settled in detail or were they left to the discretion".
7190	7515	1	"by" should be "of".
7191	"	5	Place comma after "measures" and delete "by the Government,".
7192	"	6	Add "by superior bodies." after "issued".
7193	"	18	Change line 18 to read "one does not need any schools, if there are only a few children. It is".
7194	"	26	Change "chemical industry," to "this kind of industry,".
7195	"	37	Insert "chemical" after "mechanized".
7196	7516	8	"you were " should be "they were".
7197	"	13	Change line 13 to read "program, but in the frame of the forced labor program there was the purpose to get suitable workers. I had nothing to do with the forced labor program." Continue with line 14.
7198	7517	15	Change "to do anything about it." to "to withhold it."
7199	7518	11	Change "workers were treated" to "penal measures were executed".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7200	7521	3-4	Insert the two following lines after line 3 and before line 4: "Q. Dr. Schneider, when was the Office A created? A. In the spring of 1940."
7201	7522	17	"has said." should be "has given."
7202	7523	7	Delete comma after "Plan".
7203	"	9	"this plant" should be "from plants".
7204	"	11	"to fill them." should be "to fill the need."
7205	"	17	Add "the distributive agencies of the quotas, that is," after last word "had".
7206	"	20	"Officers" should be "Offices".
7207	"	26	Place period after first word "too". Begin new sentence with "In the beginning a large number".
7208	7525	1	Delete comma after "Ruetgen". Place comma after "32".
7209	"	15	Change "Ruetgen Plant" to "Uerdingen Plant".
7210	"	19	Place period after last word "Leuna".
7211	"	28	Begin new sentence with "About" and delete period after "1930".
7212	"	31	"Dehnel's predecessor left," should be "Dehnel, his predecessor,".
7213	7526	5	"Ammonia factory," should be "Ammonialo-werk,".
7214	"	16	Insert "in" before "1937."
7215	"	27	Change line 27 to read "The individual plants did not agree with this and they were able to".
7216	"	28	Change comma to period after "them". Delete next word "which" and begin new sentence with "He was".
7217	"	29	Insert "so" after "to do".
7218	7528	11	Change last two words "a special" to "an invited".
7219	"	12	Add "as far as I recall." after "workers,".
7220	"	13	"not doubt" should be "no doubt".
7221	7529	7	Change "Up to the beginning of the war, during the war," to read "That was at the beginning of the war, During the war,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7222	7529	8	Insert "new" before "war techniques,".
7223	"	9	"new weapons," should be "tanks, etc.,"
7224	"	14	Delete "that" before "in connection".
7225	"	15	Change line 15 to read "Schneider made, so to say, a patriotic or satisfied speech, to the".
7226	7532	17	"were the type" should be "were of the uniform type".
7227	"	24	Delete "later" before "they did so."
7228	"	25	Insert "measures" after "output".
7229	7533	1	Insert "and under special guard." after "conditions".
7230	"	10	Delete last two words "that this".
7231	"	11	Delete first word "matter". Insert sentence "This order was passed on to all agencies concerned by the person in charge." after "improved."
7232	"	22	"to move on" should be "to move in".
7233	"	26	Change period to comma after "coming up". Continue sentence with "the first".
7234	"	31	Place comma after "problems". Also place comma and insert "was" after "that is".
7235	7535	19	Insert "in" after first word "but". Change period to comma after "forth" and add "yes." at end of line.
7236	7535	25	Place question mark after "permissible".
7237	"	27	Change "Will we" to "Are we allowed to".
7238	"	30	"We would have to have" should be "We had to have".
7239	"	31-32	"where it was forbidden, because we have" should be "for which it was forbidden, for we had".
7240	7536	1	Change "they say What is produced there and then" to "according to that people were chosen and".
7241	"	6	"That has" should be "Had that".
7242	"	16-18	Change from "plants" in line 16 through "forth" in line 18 to read "plants, about which only the men in charge could enter into discussion with the work management."
7243	"	29	"prisoners of work" should be "prisoners of war".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7244	7537	9	Change "I was there very often." to read "I was very often at Auschwitz."
7245	"	14-16	Change from "Well," in line 14 through "a large" in line 16 to read "Well, my impression was as follows: in the beginning when I got there - that was in 1942 approximately, we have to make a distinction --, a large".
7246	"	23-23	Insert following line after line 22 and before line 23: "Q. Do you know when it was built?"
7247	"	25	Change "Q" to "A" at beginning of line. Last words "of the plant" should be "on the plant".
7248	"	28	Insert "even" after first word "good".
7249	7538	5	Insert "Also the inmates had to be skilled workers." before last word "That".
7250	"	14	Change last words "with Monowitz" to read "with the installation of Monowitz?"
7251	7538	15	Delete entirely.
7252	"	16	Insert "the installation of" before "Monowitz,".
7253	"	16	"in the camp" should be "in a camp".
7254	"	23	Insert "during the day" after "quantity".
7255	"	23	Insert "of the same quality as in other places," after "which was not bad,".
7256	"	29	Place comma after "Certainly" and delete next words "there is". Place period after "doubt". Begin new sentence with "Developments".
7257	7540	13	Change "defendants" to "inmates".
7258	"	14	Begin new paragraph with "A. No, one cannot".
7259	"	14-16	Change "They were not kept to working during the last time." to "In the later period, certainly not."
7260	"	28	"I didn't hear" should be "I only heard".
7261	"	30	"an orer" should be "an odor".
7262	7541	6	Add "or anyhow" after last word "piles".
7263	7542	19-20	"they be furnished methanol to" should be "methanol be furnished to".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7264	7543	5	Change "somebody else, I don't know any more who it was," to read "by Mr. Kehrl,".
7265	"	8	Insert "training school near Vienna; but it is possible that from this amount ten or twenty tons were furnished to the" before "Auschwitz". Place comma at end of line after "camp".
7266			
7267	"	9	Delete "from this amount,".
7268	"	13	Add "This is an assumption." after "substance."
7269	"	16	"and I noticed" should be "where I noticed".
7270	7543	21	Change last word "atill" to "apparently".
7271	7544	14-15	Change "The agency of Sparte I in Auschwitz was undertaken by" to read "The representative of Sparte I for the plant of Auschwitz was".
7272	"	25	Insert "When I came there" before "Dr. Bueteftisch". "ammoniac factory" should be "Ammoniakwerk".
7273	"	26	"Dr. Hobert" should be "Dr. Herold".
7274	7545	11	Change period to comma after "functions". Change "That" to "which".
7275	"	12	Last word "that" should be "the".
7276	"	17	Change "to issue the directives - the policy for the" to read "decisive for the development of the".
7277	"	25	Change "leaders?" to "management?".
7278	"	27	Change "leaders were" to "management was composed of".
7279	"	28	"Dr. Strohbock," should be "Dr. Strombeck,"
7280	"	29	Change period to comma and add "and Dr. Rudlof." after "Bueteftisch".
7281	7546	8-9	Change from "management" in line 8 through "That is," in line 9 to read "management as the deputy of Dr. Bueteftisch who was the technical director of Leuna and from that moment on Dr. Bueteftisch had to deal with a lot of different things, that is,".
7282	"	28	"should materialize," should be "should be materialized,"
7283	"	29	Change entire line to read "had to be passed on to the plant management as to whether or not they were to be carried out."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7283	7546	30, 31, 32	Delete entirely lines 30, 31 & 32
7284	7547	1	Insert "From" at beginning of line before "this".
7285	"	8	Insert "of" after first word "rather".
7286	"	10	Change "the impression," to "the pressure,".
7287	"	11	Place comma after third word "gasoline". Next word "ammonium," should be "ammoniac,".
7288	"	12	Insert "of all things, during the war," after "created,".
7289	"	23	"Gesellschaft, Boehlen, and Magdeburg," should be "Gesellschaft at Boehlen, Zeitz, and Magdeburg,".
7290	7548	4	Change "for soap, raw" to "were soap raw". Insert "mercolate" after "mercol,".
7291	"	24	Insert "from Leuna" after "transferred".
7292	7549	14	Insert "in the Vorstand" after "liaison man".
7293	"	15	Delete "represented in the Vorstand".
7294	7550	10	Delete "of Germany".
7295	7551	13-14	Change "because I was only there once or twice during one or two days." to read "in the one or two days I was there."
7296	"	15	Change "Did Dr. Duerrfeld" to read "My question was if Dr. Duerrfeld".
7297	7553	28	Insert "of the headlines and of the text" after "copies".
7298	7554	4	Place comma after "Dr. Schneider".
7299	"	7	Insert "in Leuna;" after "inmates".
7300	"	9	Insert "of the authorities" after "regulations".
7301	7555	6	Insert "and Geneva." after "Convention".
7302	7556	16	First words "corrded the" should be "accorded to".
7303	"	28,29	"Eudolf" should be "Rudlof".
7304	7557	13	Change "regarding Gestapo intervention." to "regarding the reports of the Gestapo."
7305	7558	1	"and affidavit" should be "an affidavit".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7306	7558	4	Insert "mine von der Heydt which other affiants also deal with and which" after "prisoners in the". Delete next word "Vöcher".
7307	7559	6	Insert "to the Gestapo" after "a report".
7308	"	13	Insert "is valid by law and" after "that it".
7309	"	22	Insert "Frankfurt where the decision could be found. The weight of the" after "located in".
7310	7560	2	Change "Tribunal," to "Frankfurt District Court,".
7311	"	26	Insert "of a scientific report on the working conditions of prisoners in Germany in the year 1923. I went" after first word "article".
7312	7561	3	Insert "got" after "inmates".
7313	7564	27-28	Insert "who was interrogated here, to Speer on the employment of" after line 27 and before line 28.
7314	7565	1	Insert "even" after "proof that".
7315	"	30	"There we" should be "Here we".
7316	7566	2	Last word "I" should be "myself."
7317	"	13	"in a very" should be "is a very".
7318	7568	6	"to go in" should be "to go to in".
7319	"	19	"then similar" should be "when similar".
7320	7569	16	"this documents" should be "this document".
7321	"	31	"which it was" should be "which was".
7322	7573	2	"later," should be "later".
7323	7574	12	Change line 12 to read "A. Yes. One can perhaps see it from the fact that".
7324	"	14	Change "were, of course," to read "were in the beginning".
7325	"	16	"he had" should be "we had".
7326	"	20	Insert "that" at beginning of line before "the head". Change last word "him" to read "the Abwehrbeauftragte."
7327	"	27	"the man" should be "the man".
7328	7575	18	Change first word "Foyer" to "Heuer."
7329	"	20	Add "with Schneider's support." after "positions".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7330	7575	23-24	Delete "I don't know."
7331	7578	14	Insert "But we were able to justify ourselves before General von Unruh." before "It was".
7332	"	16	Insert "it was at the time when" after "whether".
7333	"	17	"and the head" should be "that the head".
7334	"	19-20	Change "that they had realized" to read "because of".
7335	"	21	Change first words "and that they had" to read "when they realized them, they desisted from this plan and".
7336	"	22	Place period after "management". Begin new sentence with "But the".
7337	7577	2	Change line 2 to read "reproach Schneider with respect to the foreign workers?".
7338	"	21	Insert "was" after "witness".
7339	"	23	Place period after "the SS". Begin new sentence with "We move".
7340	7578	21	"very long" should be "any longer".
7341	"	30	Delete first word "and" and insert "according to the very strict regulations," before "it was".
7342	7579	15-16	Change period to comma after "regulations". Change from "He was" in line 15 through "that he" in line 16 to read "and he had not informed the University of Munster of which he was a member that he".
7343	"	25-27	Change the entire question to read "Q. This refers to the charge of aggressive warfare. Perhaps you will tell us briefly something about Leuna, its products and its nature."
7344	7580	28-29	Change "detailed discussions of such a matter." to read "that one did not fool the need to discuss the matter."
7345	"	30	Insert "or" after "It is true,".
7346	7581	4	Insert "I knew of it," after "plan,".
7347	"	5,6	Insert "precaution" after "air-raid".
7348	"	1. 8	Change last words "shelter and I know" to read "measures in general but I know".
7349	"	1. 9	"About it." should be "about them."
7350	7582	15-16	Delete "as is the nature of affidavits,".
7351	"	17	Delete comma after "foreman".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7352	7583	1	Place comma after "Dr. Kaeding". "of all comment" should be "first of all, comment".
7353	"	5	Insert "Frenchman" after first word "free". Insert "Germans" after "Ethnic".
7354	"	17	"from the outside." should be "from outside Germany."
7355	"	25	Insert "under conditions which were quite strange to them" after "foreigners". "intense by" should be "intensely".
7356	7584	9	"we had worked" should be "we worked".
7357	7585	16	"showing within" should be "showing by".
7358	"	21	"you can, which," should be "you can".
7359	"	22	Insert "which" after "your time."
7360	7587	4	Insert "in the surrounding towns." after "hotels".
7361	"	10	"part" should be "apart".
7362	"	17-18	Delete sentence "It is true that it fluctuated." from line 17 and place it in line 18 after "week."
7363	7588	7-9	Change from "mission" in line 7 through "so that" in line 9 to read "mission of getting acquainted with the living conditions, housing, food, etc. in other Farben plants or chemical plants of other friendly concerns so that".
7364	"	10	Complete this answer with following sentence "It was an unknown field in everyway."
7365	"	11	Delete "that" after "said".
7366	"	19	"were close" should be "were relatively close". Last two words "were very" should be "were endangered and very".
7367	"	20	Insert "by bombs" after "destroyed".
7368	"	23	Change "this department who saw" to read "the department competent for this question who saw".
7369	7589	3-4	Change "largely because of carelessness." to "the losses were usually smaller."
7370	"	10	"that informed" should be "who informed".
7371	7590	1	Change "I was informed" to read "I want to put to you that you informed me".
7372	"	7-8	Change "were unprecedented. The warning" to read "were attacks of quite a new type and therefore the warning".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7373	7590	9	Change line 9 to read "this was due to the fact that the military were completely surprised."
7374	"	17	Place comma and insert "and" after "demonstrations".
7375	7591	6	Change "anywhere where they violated" to read "under conditions violating".
7376	"	15	Change first word "convicts?" to "E-prisoners?"
7377	"	17	"prisoners" should be "E-prisoners".
7378	"	37	Insert "Yes, I know of this." before "In orders".
7379	7592	1	"have had" should be "have been".
7380	"	4-5	Change "in that respect. It wasn't even easy" to read "in order".
7381	7593	5	Change period to comma and insert "struck me." after "subjected to".
7382	7594	5	Change "something" to "some special things".
7383	7595	19	Delete comma after last word "requirement".
7384	7596	8	Insert "which were planned before the beginning of the construction. He took care of the installation of big" before last word "modern".
7385	"	20	"segregated" should be "separated and".
7386	"	30	"Dr. Kopper," should be "Dr. Koppe,". Delete comma after "Dr. Schneider".
7387	7598	20	Change "steered by the government." to read "taken care of by somebody."
7388	"	21	"an armament" should be "no armament".
7389	7599	30	"close or long," should be "close or far,".
7390	7602	6	"by any of the Jewish" should be "against the Jewish".
7391	7603	16-17	Change "it would not be bad." to "nothing would happen."
7392	"	19	"Gawig," should be "Daspig,".
7393	7606	23	Insert "him" after "approach".
7394	"	25-26	Change "the party affiliations had" to read "attitude towards the party".
7395	"	29	Insert "more than" after "we had".
7396	7607	3	"stresses" should be "stressed".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7397	7607	22	Change "quite a lot." to "several nationalities."
7398	"	26-27	"were students and other people" should be "were mostly students, people".
7399	7608	9	"alltogether;" should be "all together;".
7400	"	11-12	Change from "a little" in line 11 through "work" in line 12 to read "a little they proved interested in their work".
7401	"	13	Change "That was done in about two or three months," to read "After two or three months, they succeeded in that,".
7402	"	15	Place period after "machinists". Change and complete rest of line to read "As an incentive and in order to make these people more interested in their work, the plant management arranged the following:"
7403	"	19	Change "that they could dispose of. Then the were also" to read "which they could dispose of as they liked. Then they were also".
7404	7610	3	Change "What do you mean?" to read "Do you mean the particular nationalities?"
7405	"	6	"but they did" should be "but we did".
7406	"	18	Add "after six months," after last word "home".
7407	"	22	Change "and as time went by" to "but later because of".
7408	"	23	Delete "made it impossible, and".
7409	"	25	Change entirely line 25 and complete as follows "A. Yes, furlough trains went to various countries. All foreigners went in a closed group and came back in a closed group."
7410	7611	26	Change last word "from" to "to one of".
7410a	"	29	Change "had it in for" to "hated".
7411	7612	17	"leaders" should be "leader".
7412	"	19	Complete paragraph with following sentence "I don't know of any case where the plant leader tried seriously to catch a man."
7413	"	28	"Dr. ?" should be "Mr. Paentek?"
7414	7614	7	Second word "out" should be "our".
7415	7616	11	First word "enterprisery" should be "enterprise".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7416	7616	23-24	Change "Then you still wouldn't get anything across." to read "In the final analysis, it stems from production."
7417	7617	4	"I have been" should be "I was".
7418	"	17	"Because Leuna was" should be "of Leuna,".
7419	7619	14	Change "I came" to "I had".
7420	7619	16	Change "recreation questions." to "pension questions."
7421	"	19	Last word "Leuna?" should be "Farben?"
7422	7620	20	Third word "shown" should be "shows".
7423	7621	9-11	Change from "questions" in line 9 through "entrepreneur" in line 11 to read "questions bears responsibility towards the workers as well as towards the agencies of the State and of the Party. As a rule, the entrepreneur".
7424	"	13-14	Change from "What is" in line 13 through "directed" in line 14 to read "What is the position of enterprises such as Farben which according to the commercial law are".
7425	7622	4	Change period to comma after "simultaneously". Next words "Apart from that, the" should be "or, apart from that, if the".
7426	"	6	"to reserve" should be "reserved".
7427	7623	7	Add "an" after last word "appointed".
7428	"	28	Delete comma after "agree to".
7429	7624	29	Change "according to" to "also for".
7430	7625	22	Delete "Nothing changed this fact and". Begin new sentence with "The".
7431	7626	9	Delete "only" before last word "Vorstand".
7432	"	11	"The leader of the plant or the leader of" should be "The manager of the plant or the chief of".
7433	"	27	Change "its own plant leader in its enterprise." to read "its plant manager as its own plant leader."
7434	7628	13	"Schneider on Dr. Bertrams" should be "Schneider or Dr. Bertrams".
7435	"	27	"symbolized the fact" should be "was symbolic for the fact that".
7436	7629	15	"directly" should be "indirectly".
7437	"	20	"testified the basic rules which" should be "testified especially in the first sentence of his statements, as to the basic rule which".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7438	7629	24-28	Change from "before," in line 24 through "Therefore," in line 28 to read "before, according to the National Socialist opinion about the enterprise as the call of the social structure, responsibility is shifted to that point where the worker gets in touch with the entrepreneur, that is in the enterprise itself, and therefore,".
7439	7630	21	Place comma after "cleared up".
7440	7630	26	"that point" should be "the point".
7441	"	27	"then what" should be "than what".
7442	7631	3	"to see on" should be "to see one".
7443	7632	1	Insert "give" before first word "rise".
7444	"	4	Insert "the Vorstand and" after "handled through".
7445	7633	5	Insert "in Germany." after "authorities".
7446	"	6-7	Change "predecessor in other kinds of governmental offices." to read "predecessors in the form of governmental labor commitment agencies."
7447	"	9	"from another province" should be "than in another province".
7448	"	13	Change "the labor" to "the scarcity of workers".
7449	"	14	Change "it had to be" to "labor had to be".
7450	7634	2	Delete "according to your statements,".
7451	7635	1	Delete "were".
7452	"	23-24	Change "in the recruitment of workers from" to "that in".
7453	"	25	Change period to comma after last word "contracts".
7454	"	26	Delete "This, after all, only meant that".
7455	"	27	Place period after "workers" and delete next word "themselves".
7456	7636	2	Insert "even" after first word "Now,".
7457	"	5	"but we did" should be "and we did".
7458	"	8	"Brown-Bouery" should be "Brown-Boveri".
7459	"	27	Delete "also" before "endeavored".
7460	"	30	"As you are surveying" should be "As one surveys".
7461	7637	1	"We have endeavored," should be "We endeavored,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7462	7637	4	"We have tried" should be "we tried".
7463	7637	7	"comfortably" should be "comfortable".
7464	"	9	Change "increased and" to "decreased but".
7465	7638	5	Change last two words "it required" to "other".
7466	"	6	Insert "were required," after first word "expenses".
7467	"	9	Place comma after "leave time". Next words "journies, home," should be "journeys home,".
7468	"	11	"that a foreigner was" should be "that the costs of a foreigner were".
7469	"	15	Change "with respect to" to "participated in".
7470	"	16	Delete comma after first word "workers". Also delete next word "participated".
7471	"	17	Delete "and" after "Farben,". Insert "and" before last word "were".
7472	"	30	"Ministry of" should be "Ministry and".
7473	7639	5	"They say" should be "They saw".
7474	"	7	Change "because there were other" to "among the".
7475	"	30-31	Delete "by directives from the state and".
7476	7640	15	Change end of line from "assumed" to read "assumed for plant physicians, etc.?"
7477	"	16	Change line 16 to read "A. No, I don't remember that. Everywhere for the foreigners we had our own plant".
7478	7642	10	Insert "at the beginning" after "leaves,".
7479	"	11	Change "they soon tightened the" to "very soon a net of".
7480	"	11-12	"which were" should be "was".
7481	"	13	Change "their general policy upon" to "their magnanimous policy".
7482	"	14	Second word "existed" should be "held".
7483	"	28	"camp" should be "came" after "children only".
7484	7643	7	Last word "authorities." should be "trade inspection authorities."
7485	"	15	Change semi-colon to comma after "to work". Change rest of line to read "they were capable, as soon as they had".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7486	7643	16	Insert "But the regulations were opposed to that." after "welfare."
7487	"	26	Change last word "principles" to "prisoners".
7488	7643	28	Change period to comma after last word "maintenante" and continue sentence with "even" in line 29.
7489	"	30	Change comma to period after "combine". Change next word "still" to "But".
7490	7644	2	Change "to do about the Hague" to read "to do with labor employment according to the Hague".
7491	"	5	Change first word "do" to "be concerned".
7492	"	7	Change "of principles of war. Among them" to read "of prisoners of war. With these".
7493	"	22	Change "these are other prisoners, and" to read "at Leuna a certain number of B-prisoners were employed, but".
7494	7645	7	Insert "sometimes" after "Naturally".
7495	"	9	Add "foreign" at end of line after "these".
7496	"	10	Change "came in at the beginning," to read "had to live together with them,".
7497	"	12	Change "this collection," to "my colleagues,"
7498	"	15	Place comma and insert "also of the decent foreign workers," after "workers".
7499	"	19	Delete "A part of". Begin sentence with "The work". Place comma and insert "or a part of it," after "guard".
7500	"	20	Change comma to semi-colon after "badge".
7501	"	22	Change "It says that on occasion" to read "It has been said on various occasions that"
7502	"	23	"are to be" should be "were to be".
7503	7646	11-12	Change "endeavored to get foreign workers?" to read "took care of foreign workers centrally?"
7504	7648	13	"of the financial" should be "or the financial".
7505	"	29-31	"contributions" should be "gifts".
7506	7649	2	Delete last words "and contributions".
7507	"	4	"these documents," should be "these gift documents,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7508	7649	6	Change "for which the money was contributed," to read "of these gifts".
7509	"	10	Change "contributions" to "gifts".
7510	7649	12-13	Change from "which was" in line 12 through end of paragraph to read "which was set up by I.G. in honor of Schmitz and which was principally destined for war orphans."
7511	7650	23	Change "participate" to "work".
7512	7652	14	Add "only" after last word "people".
7513	"	16	"Book 7." should be "Books 1 to 7."
7514	"	29-30	Delete "was influenced by the conditions, and that one". Change last word "conditions" to "ideas".
7515	7653	1	Change "existed in 1914." to read "existed before 1914 and naturally more in the East than in the West."
7516	"	9	"A few document" should be "A few documents".
7517	"	21	Insert "from Switzerland" after "I received".
7518	"	21-22	Delete "from Switzerland" after "reservation".
7519	7655	4-5	Change "had nothing to do with" to read "concerned the".
7520	"	20	Insert "constitutional" before "European".
7521	"	21	Change "the necessary for the labor of" to read "in principle the labor service for".
7522	7656	2	"occupied" should be "occupation".
7523	"	11	First words "to this document" should be "to the first sentence of this document".
7524	"	14	"1931," should be "1939,".
7525	"	24	Insert "from the subjective point of view" after "interest".
7526	7657	10	Change period to comma after last word "came" and continue sentence with "upon" in line 11.
7527	"	18	First word "Himmler" should be "Hitler".
7528	"	24	Change "was not subject to" to read "did not exist as subject of".
7529	"	26	"logical" should be "psychological".
7530	7658	9	Change "significance" to "importance".
7531	"	12	Change last words "then such evaluation" to read "that is of importance for the judgment".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7532	7658	13	Change "is of importance at a time" to read "during the war".
7533	"	14	Change "Germany!" to "Czechoslovakia."
7534	"	15	Change line 15 to read "to get. We have not been able to find it up to this time. So I am able only".
7535	7659	9	Change "by way of" to "as".
7536	7660	2	"our policy" should be "the policy".
7537	7662	13	Delete "possibly".
7538	"	15-16	Delete "and that that validity".
7539	7663	14	Change "because of the existing unemployment situation". to "in the case of unemployment."
7540	"	18-19	Delete "rejects".
7541	"	21	Delete "of" after "minority".
7542	"	22	Change "decision" to "deportation".
7543	"	27	Change "favorable to the German spirit." to read "positive in the German sense."
7544	"	28-29	"Uppingham." should be "Oppenheim."
7545	"	30	Insert "of" after "a note".
7546	7664	3	Change "representations" to "statements".
7547	"	10	"measures if" should be "measures of".
7548	"	26	Insert "in the Ukraine" after "unemployment".
7549	7666	2	"is now showing" should be "does not show".
7550	7667	2	Delete "also" after "treaties,".
7551	"	7	First word "contest" should be "context".
7552	"	9	"relaying" should be "relying".
7553	"	29	Last word "changes" should be "charges".
7554	7668	9	"that did notify" should be "that did ratify".
7555	"	10	"clarified." should be "nullified."
7556	7669	15	Place period after "ground". Change "going" to "It goes".
7557	"	27	Change entire line to read "the Russian government, on their own, considered it admissible to have people of the occupied countries committed to".
7558	7670	13	"It has" should be "It was".

Item No.	Transcript Page	Line(s)	Proposed correction
7559	7670	19	"marking of an" should be "marking for".
7560	7671	23	"document" should be "documents".
7561	7672	30	"Book No. 11," should be "Book No. II,".
7562	"	31	"Book No. 111." should be "Book No. III."
7563	7674	4	"and Exhibit 122." should be "I offer as Exhibit 122."
7564	7675	16	Change "even a temporary" to "an arbitrary".
7565	"	18	Change "employment" to "recruitment".
7566	"	21	First word "industry" should be "economy".
7567	7676	24	Insert "which" after "powers".
7568	7677	14-15	Change "extends his jurisdiction to the Gauleiter" to read "appoints the Gauleiters as his representatives".
7569	"	18	"was alone" should be "were alone".
7570	"	25	Delete "That" and begin sentence with next word "The". Insert "and" after "German".
7571	"	26	"be settled," should be "is settled in detail,".
7572	"	28	"and the German" should be "and of the German".
7573	"	31	Change "and emphasis is laid on" to read "and considering the emphasis of such provisions and".
7574	7678	1	Change period to comma after "industry". Next words "This decree has probably" should be "this decree probably".
7575	"	2	"see that foreign" should be "see to it that for foreign".
7576	"	4	Place period after "done". Delete next words "for them."
7577	7679	13-15	Change from "about" in line 13 through end of paragraph in line 15 to read "about the necessity for German industry to employ foreign workers, a necessity caused by the war conditions and the policy of the National-Socialist regime."
7578	"	19	Change "he was" to "they were".
7579	7681	20	"41, 135 and 42" should be "40, 135 and 41,".
7580	"	22	"41 will be 135, 42 will" should be "40 will be 135, 41 will".
7581	"	32	Change period to comma after "141". Change rest of line to read "and concerns the same matter,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7582	7684	18	"document" should be "documents".
7583	"	23	"225 grams meat, etc." should be "450 grams meat for a week, etc."
7584	"	25	Delete "to" before "take".
7585	7685	4	Change line 4 to read "comparison of the rations."
7586	"	17	Change period to comma after second word "excerpt".
7587	"	28	"and I think that it is" should be "I think are".
7588	7686	18	Change comma to semi-colon after "163". Delete semi-colon at end of line.
7589	"	19-20	"This is an affidavit" should be "These are affidavits".
7590	"	22	"Land Economy" should be "Agricultural Economy".
7591	"	23	Change comma to semi-colon after "165".
7592	"	24	Change semi-colon to comma after "60". Place semi-colon after "166".
7593	7637	16	Insert "the legal regulations on" after "concerning".
7594	"	28	"they are assigned to the " should be "their care is assigned exclusively to the".
7595	7690	5	"Document 120." should be "Document 220."
7596	"	14	Add "and other Reich Agencies." at end of line after "G.B.A."
7597	7691	3	Insert "The strict separation of the workers during their work is no longer required." after first word "alleviated."
7598	"	7	Insert "For reasons of security" before "these marks".
7599	"	8	Place period after "war" and delete next word "commitment."
7600	"	16	"document 89" should be "document 79".
7601	7692	6	Change period to comma after "too". Change rest of line to read "that is, the KL factories."
7602	"	28	Last word "regulating" should be "regulation"
7603	7698	7	Delete "MR. MINSKOFF:".
7604	7701	25	"it has stated" should be "it stated".
7605	7702	17	Delete first word "it".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7606	7703	10	"with the party." should be "with any party."
7607	7706	4	Change "That was in 1942." to read "Until 1942."
7608	"	17	"November 1943," should be "November 1942,".
7609	7708	18	"I am not" should be "I was not".
7610	7709	1	"they are piled" should be "they were piled".
7611	7711	28	Place period after "often. Begin now sentence with "When".
7612	7712	7	Place quotation marks after "Raus,". Change quotation marks to parenthesis before and after "get on". Place quotation marks before "this freight".
7613	7714	8	Delete first word "Koenig,".
7614	7717	23	Delete the following: Well, that is what I said, "inmates".
7615	"	31	"they were" should be "some were".
7616	"	32	Last word "fort" should be "forth."
7617	7720	25	"I work with Command II," should be "I worked with Detachment II,".
7618	7721	13	Insert "and" after "civilians".
7619	7722	3	Place comma and insert "or perhaps" after "per cent".
7620	"	23	"Schoeth" should be "Schoettl".
7621	"	25	Place quotation marks before "well". Also place comma after same word.
7622	"	26	Place comma and quotation marks after "at all". Also place quotation marks before and comma after "well".
7623	"	27	Place comma and quotation marks after second word "then".
7624	7723	10	"that is enough" should be "it is enough".
7625	"	14	"detachment" should be "detachments".
7626	"	22	Place "A." before first word "Your".
7627	"	23	First word "question." is end of answer. Begin a new paragraph with: "Dr. SEIDL: Your Honor, ..."
7628	7724	16	Place comma after first word "down".
7629	7726	12	"inmates" should be "inmate".
7630	"	23	First word "A.." should be "All".
7631	"	30	Place comma after "your answer".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7632	7727	1	"for that reason" should be "for the reason that".
7633	7728	11	"Partly on" should be "Partly to".
7634	7730	12	Last words "When the" should be "where the".
7635	"	17	Last word "got." should be "had."
7636	7734	18	Insert "of prisoners of war," after second word "workers".
7637	7735	29	"to increase considerable." should be "to be increased considerably."
7638	7736	10	Insert "of the main committees and main cartels and" after "authorities".
7639	"	25-26	Change "in every case of need." to read "In all cases of the examination of the requirements."
7640	7737	15	"Document 211," should be "Document 221,".
7641	"	17	Change "Gazette" to "Code".
7642	"	83	Change "exception" to "commission of the crime."
7643	"	30	"which was" should be "which were".
7644	7738	1	Place comma after "law". Delete comma and add "or in case of special military assignment," after "war" at end of line.
7645	"	2	Delete "called".
7646	"	12	Insert "No. 14B, Exhibit 217," after "document,".
7647	"	13, 18	"to enemy" should be "to the enemy".
7648	"	14	Change "Law Gazette, A" to read "Law Code. Through a". Place comma after last word "error".
7649	"	15	Change first words "made this passage" to read "the reference is given as".
7650	"	16	Change "dated" to "from".
7651	7739	17	"document" should be "documents".
7652	7740	2	Change "people having" to "competent men issuing".
7653	"	5	Add "only" after last word "not".
7654	"	25-26	Change period to comma after "Fleischmann". Continue the sentence with "which shows that according".
7655	"	30	"internation" should be "international".

Item No.	Transcript Page	Lin(e)	PROPOSED CORRECTION
7656	7741	1	Change line 1 to read "I refer to an excerpt, already submitted, from the book of Cheney Hyde."
7657	"	5	Insert "doctrine of international law of the" after second word "the".
7658	"	15	Insert "for" after second word "that". Change last words "in his relationship," to read "with respect to relations".
7659	"	16	Place comma after "countries". Change next words "concerning penal and civil law," to read "for instance also in penal and civil law cases,".
7660	"	19	"might ask" should be "might I ask".
7661	7742	14	Change period to comma after "War I".
7662	7746	2	Place comma after second word "doing". Delete next word "was".
7663	"	9	Last words "it is not" should be "they are not".
7664	7747	31	"36" should be "136".
7665	7748	19	Change comma to period after first word "(possible)". Delete "that" and begin new sentence with "The valid moral law in the United States". Delete "decisive moral law".
7666	"	27	Insert "as" after "acted".
7667	7751	16	Insert "of the conditions" after "in view". Delete "times".
7668	7753	15	Insert "came" after "study".
	"	21	"teaches" should be "teachers".
7669	7754	4	"Gotta Meyer" should be "Kurt Hans Meyer".
7770	7755	5	Insert "and head of the intermediate products groups" after "laboratories".
7771	"	7	Insert "of the English Book." after "20,".
7772	7755	23	"fermentation" should be "ferments".
7773	"	25	"Buessecher," should be "Buecher,".
7774	7757	13	Place comma at end of line after "dyestuffs".
7775	"	14	Delete dashes at beginning of line. Place comma and dash after "products".
7776	"	25	"that is dyed," should be "that can be dyed,".
7777	7760	12	"commit your" should be "commit you to".
7778	"	31	Change "Document Book." to "OA 115, Exhibit 25, page 41 of the English Document Book."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7679	7761	13	Second word "warad," should be "award,".
7680	7762	9	Delete "and" after "circles".
7681	7765	15	Insert "Advisory" before "Council?"
7682	"	16, 17	"committees." should be "conferences."
7683	"	18	"their meetings?" should be "these conferences?"
7684	7766	11	"but you were interested" should be "but that you were interested also".
7685	7767	14	Place comma after "leather". Delete next word "soles,".
7686	"	23	"Mr. Hegler." should be "Mr. Hedler."
7687	7768	5	Change "even if we had not had any money" to "since we had no money".
7688	"	27	"Chemie Francais" should be "Chimie Industrielle".
7689	7769	11	Delete semi-colon after "Farben". Place period after "conferences". Begin new sentence with "That was".
7690	7770	5	"German" should be "Germany".
7691	"	11	"In was the foreign countries" should be "It was the foreign concerns".
7692	7772	20	Delete quotation marks after "complaints".
7693	7773	16	Change "calcium" to "lime".
7694	7775	11	"known that" should be "knows that".
7695	"	31	Change "When I was first married, I" to read "We, a young married couple,".
7696	7776	23	"Krancolor" should be "Francolor".
7697	7777	26	Place comma after "took over".
7698	7779	12	Change "yeast products." to "tanning products."
7699	"	19	Place comma after "commission". Next words "of War," should be "the Waro,".
7700	7782	14-15	Delete "Document OA-133, Exhibit 37, on Page 121 of the Document Book,".
7701	"	17-18	Change semi-colon to period after "Document Book". Delete "and finally, OA-135, Exhibit 140, Page 125 of the Document Book."
7702	7783	4-5	Change "the agent for raw material products;" to read "the washing agents commission,".
7703	"	6	First word "many" should be "several".

7704	7784	4	"first a engineer." should be "a first engineer."
7705	"	5	"There was the leader" should be "There were the leaders".
7706	"	10-11	"business" should be "commercial".
7707	"	17	"our table." should be "our desk."
7708	"	22	"individually" should be "independently".
7709	7785	6	Insert "— let us say —" after "he had".
7710	"	10	Insert "I" before last word "would".
7711	7786	9	Insert "This was an operating company, or better a lease company." after "Inorgana GmbH."
7712	"	11	"There" should be "Then".
7713	"	15	Change "Fahl." to "Marl."
7714	"	18	Change "Ruhr with the Theo Goldschmidt" to read "Ruhr-Chemie, the Goldschmidt".
7715	"	21	Change "calcium" to "lime".
7716	"	21-22	Change "I was an Aufsichtsrat" to read "I allegedly was on the Aufsichtsrat".
7717	"	22	Change "calcium" to "lime".
7718	"	23	"these foreign plants, as you stated" should be "this foreign plant, as I stated".
7719	"	28	Place question mark after "Vorstand". End of Question and of paragraph. Follow with answer "A. Yes." Delete "whilst" and use rest of line for new question beginning with "Q. In most ..."
7720	7787	9	"you active" should be "you fully active".
7721	"	26	Change period to comma after "credits". Change "I knew about all" to read "that is,".
7722	"	27	First word "plant." should be "stage."
7723	7788	6	Delete "more or less".
7724	"	30	Delete "Q. And did you remain in Gendorf?" (Repeated on page 7789).
7725	7790	19	Place comma after "112".
7726	7791	1-2	Change "attitude towards" to read "position concerning".
7727	7792	10	Insert "mass" after "technical".
7728	"	21	Insert "to have" after "we had".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7729	7793	13	Delete "the" before "motorization".
7730	"	22	Change "calcium" to "lime".
7731	"	23	Insert "— carbide —" after "acetylene". "we produce four stages of Buna." should be "we produced Buna."
7732	7794	8	Delete comma after "plant".
7733	7795	14	Place period after "mechanised". Delete next word "and" and begin new sentence with "The lower".
7734	7796	4	"partly as" should be "partly at".
7735	7797	20-22	Change from "way" in line 20 through end of line 22 to read "way, in conformance with their profession; that was the technical term. Just to give an example: one doesn't use an interior decorator in a carbide oven. One uses him when".
7736	"	27	Delete last word "pores".
7737	7798	2	Insert "NO." before first word "Thore".
7738	"	6	"how they came" should be "as came".
7739	"	7	"how they came from Poland into" should be "as came from Poland during".
7740	"	30	Delete "in order". Also delete "produce its". Place quotation marks at end of line.
7741	7801	12	"20,000" should be "120,000".
7742	"	18	"a central" should be "the central".
7743	"	32	Change period to comma after "Ruola".
7744	7802	1	"the partial solution. We" should be "a partial solution although we".
7745	"	9	Delete comma and insert "in" after "recollection".
7746	"	16	"Expansion for" should be "Expansion or".
7747	7803	22	Place comma after second word "teams".
7748	"	30	Change "if it had been" to "with".
7749	7804	17	"as OA document." should be "as a document."
7750	7805	3	Change "entertainments," to "representations,".
7751	7807	1-2	Delete entirely as repetition.
7752	"	19	"Add "the" after last word "visited".
7753	"	26	"Are you not" should be "Were you not".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7754	7808	15	"For the same" should be "For the sake".
7755	7809	17	Place comma and add "the" after last word "Croatia".
7756	7811	21	"with German, prisoners of war, French" should be "with Germans, with prisoners of war, free French".
7757	7812	5	After sentence ending "out of bed." insert "Nourishment was good and adequate and better than the normal nourishment of the German civilians. Breakfast for instance consisted of warm milk and white bread: Medical care, cleanliness and hygiene of the hospital were the same as in other German hospitals."
7758	7813	10	Change "now," to "then,".
7759	"	26	Change "Plant 5," to read "foreign workers and the American Military Government,".
7760	"	32	"1946" should be "1936".
7761	7814	6	Place period after "prisoners of war". Change "and pictures" to read "I report about".
7762	"	7	"as given" should be "is given".
7763	"	18	Place quotation marks after last word "wishes".
7764	7816	4	"was a firm," should be "was an independent firm,".
7765	"	5	"was a GmbH." should be "was an independent GmbH."
7766	"	30	Insert "and was weak," after "there".
7767	7817	30	Change "included the" to read "summed up the".
7768	"	32	"there were national economy ideas in this" should be "there were naturally national economy ideas, and also the".
7769	7818	14	Change semi-colon to dash after "Buna".
7770	"	15	Insert dash after "chart" and change next word "on" to "needed".
7771	"	23	"achieved" should be "one could achieve".
7772	7819	8	"became Battstiz" should be "was Battwitz".
7773	"	9	Insert "unwillingly" after "Farben".
7774	7820	16	First word "role?" is end of question and paragraph. Insert answer "A. Yes." Use rest of line as new question beginning "Q. What orders..."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7775	7820	29	"air-raids." is end of answer and paragraph. Insert a new question reading "Q. But you do not know this?" Then follows new answer with "A. No. This opinion ..."
7776	7821	22	Change "calcium" to "lime".
7777	7822	8	Add "is" after last word "that".
7778	7824	16	"so stop" should be "so as to stop".
7779	7826	10	Third word "now" should be "no".
7780	"	27	"plant now." should be "plant then."
7781	7827	8	"it had" should be "I had".
7782	"	10	"to take" should be "to have".
7783	"	13	Change "might have any influence on the construction" to read "could lead to penal proceedings".
7784	"	14	"OA 301," should be "OA 304, Exhibit 71,".
7785	"	15	Change period to comma and insert "Part I, the decree for the execution of the Four Year Plan from October 18, 1936." after first word "Gazette".
7786	"	25	Insert "the regulations of" after "implementation of".
7787	7830	5	"do you bear" should be "did you bear".
7788	"	17	"There was no more" should be "There were no more".
7789	7831	14	"and to study" should be "in order to study".
7790	"	15	"some experience gradually" should be "great experience".
7791	"	16	Change line 16 to read "projected ten plants in Germany, and had studied construction sites for Buna plants in Russia, France and even in America, so that maps could".
7792	"	21	Insert "at Auschwitz." after "Buna works".
7793	7832	3	Insert "Buna" after first word "A". Also insert "A Buna plant depends on traffic connections." after "an hour."
7794	"	7	Change "I found on the map a place where three" to read "The map shows me that three".
7795	"	8	Change period to comma after "Przemsza". Continue sentence with "that east of".
7796	7833	2	Delete first three words "a town Baraky,".

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7795	"	8	Change period to comma after "Przemaza". Continue sentence with "that east of".
7796	7833	2	Delete first three words "a town Baraky,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7797	7833	6	"I had heard that" should be "I heard later that".
7798	"	7	Change line 7 to read "an Austrian detachment was there. And later when the area became".
7799	"	8	Change period to comma after first word "Polish". Continue sentence with "a detachment".
7800	"	29	Place comma after "1940".
7801	"	30	Delete first word "and".
7802	7834	11	Place comma after "level" and delete next word "and". Also place comma and insert "but" after "to me".
7803	"	13	Place comma after "to tell me that". Delete comma after next word "for".
7804	7835	13	"Auschwitz was" should be "was Auschwitz".
7805	7837	2	"OA-359" should be "OA-309,".
7806	"	8	"OA-1310" should be "OA-310".
7807	7838	10	Last word "were" should be "where".
7808	"	17	"We had sale" should be "we had salt".
7809	"	27	"these commissions" should be "this commission".
7810	"	29	Insert "in the decisive days" after "January".
7811	7839	1	Change "factor" to "map".
7812	7840	2	"about concentration camps" should be "about the concentration camp".
7813	7840	3	Insert "with Mr. Bracht." after "discuss it".
7814	"	14	"Dr. Eisfeld," should be "Dr. Eisfeld,".
7815	"	15	Change "entire trip." to "events."
7816	"	16	"this book." should be "book 72."
7817	"	27-28	Change from "Sociologically," in line 27 through "workers" in line 28 to read "from the sociological point of view, the most ideal crew you can find, workers".
7818	"	29	Insert "you believed that" after "correctly,".
7819	7841	1	Insert "We" before "in the west". Also change "we drafted" to "received".
7820	"	12	Change comma to period after "Exhibit 86". Begin new sentence with "From".
7821	"	13	Change period to comma after "OA-320". Continue sentence with "it seems".
7822	7842	2	"Mr. Hiepke," should be "Mr. Hoepke,". Change "Farben" to "that he".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7823	7842	3-4	Change lines 3 & 4 to read "that from Jews or Poles who are living there people are to be assigned for the work of surveying."
7824	"	10	Change "it came quite definitely," to read "it happened quite differently." Begin new sentence with "Can you".
7825	"	17	Insert "This happened" before first word "through". Change "it stated" to read "in which it is stated".
7826	"	18	"Mr. Reichamarschall" should be "the Reichsmarschall,". "decree" should be "decreed".
7827	"	30	"wearing uniform," should be "wearing a uniform."
7828	7843	1	"or Wirth" should be "of Wirth".
7829	"	4	Insert "as I described before" after first word "Because".
7830	"	13	Last word "into" should be "over to".
7831	"	14	"the mayor's office," should be "the labor office,". Change "that efficiency is" to read "that agency which".
7832	"	15	Change "Chemical Development, but" to "Economic Development. But".
7833	"	17	First word "provisional" should be "provincial".
7834	"	22-23	Insert after line 22 and before line 23: "A. At this time the construction management received a letter from the Reich Office in which they were asked to give an estimate as to how many workers were needed and for what phases." Follow with "This same ..." in line 23, deleting "A." before it.
7835	"	24	"to say those agencies which were" should be "to say to those agencies which after all were".
7836	7844	2	"will be" should be "was to be".
7837	"	18	"side," should be "site,". Begin new sentence with "The construction".
7838	7845	8	Change period to comma after "tracks". Delete next word "in". Also change comma to period after "barracks". Begin another sentence with "This work".
7839	"	31	Change "knowledge of Concentration" to read "not of the Concentration".
7840	7846	7	"that is, what I must assume today is" should be "and I must assume today".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7841	7847	2	Change "to take care of" to "to get information".
7842	"	32	"should also" should be "would also".
7843	7848	4-5	Change "The atmosphere as if it was potienkin facade." to read "This was the atmosphere even if it was a Potemkin facade."
7844	"	7	Change "these other impressions you had?" to read "the real conditions which no doubt were quite different?"
7845	"	8	Change "a facade. I saw," to "a Potemkin village which was shown to me."
7846	"	13	Delete first words "When I was there". Insert "at that time" after "think".
7847	"	14-15	Change "It is one of many statements I made" to read "This letter is one of many letters I wrote".
7848	"	16	"my correspondence" should be "my personal correspondence". Place comma after "Ter Meer".
7849	"	16	Change "is my nature, between two trips," to read "is perhaps my nature, quickly written between two trips,".
7850	7849	1	Insert "the concentration camp of" after "visit".
7851	"	3	"In 1931" should be "In 1941".
7852	"	6	Insert "the concentration camp of" before "Auschwitz".
7853	"	19	Change "First it" to "Visits".
7854	"	20	"I used to stay" should be "I stayed".
7855	"	29	Change "Grossl" to "the large one.". Delete last word "You".
7856	"	30	Insert "Q. You" before first word "have".
7857	7850	1	The first "Monowitz" ends the question. Make new answer and new paragraph with "A. You said Monowitz, didn't you?" at end of line.
7858	7853	4	"What does the wood" should be "What does the word".
7859	"	18	Second word "does" should be "do".
7860	"	28	"that is not" should be "that are not".
7861	7854	5	First word "building" should be "build".
7862	"	9	Place period after "Reich". Begin new sentence with "For only".
7863	7855	9	"cyanol," should be "synol,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7864	7855	23-24	Change from last word "As" in line 23 through line 24 to read "Was the plant finished according to this plan, or is anything lacking?"
7865	"	30	Change "in operation" to "finished".
7866	7856	13	"Montan plants," should be "Montan plant,".
7867	7857	14-15	Change "in order to get into that position" to read "for legal matters,".
7868	"	31	"We saw" should be "They saw".
7869	"	32	Change "Auschwitz" to "the construction firms".
7870	7850	1	"assignment," should be "cement,".
7871	7859	8	"Mr. Braus," should be "Mr. Faust,".
7872	"	22	Change "Q." to "A." at beginning of line.
7873	7850	8	"in addition those 2,000 men were" should be "in addition 2,000".
7874	"	14-15	Change "The intention was always to get," to read "There was always a graduation;".
7875	"	27	Insert "Commitment" after first word "Labor".
7876	7861	11	"certain" should be "certainly".
7877	"	20	"OA-449," should be "OA-414,".
7878	"	27	Delete question mark after "mind" and add "to get rid of the whole construction site under these circumstances?"
7879	7862	14	Last word "partically?" should be "partially?"
7880	"	17	Place comma and insert "Armament Construction Speer" after "organization". "Speer was" should be "Speer was not yet".
7881	"	22	Change last word "this" to "construction".
7882	"	23	"and the cheap materials, sandstone" should be "and cheap materials, sand, stone,".
7883	"	28	"would be" should be "should be".
7884	7863	6	Change "to get this permission." to read "to get rid of the construction site Auschwitz".
7885	"	13	Change last two words "These are:" to "I submit".
7886	"	14	Insert "Exhibit 99 and OA-421 as" before "Exhibit 100."
7887	"	21	Add "the construction of" after last word "over".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7888	7863	27	Change question mark to comma after "arrived". Change next words "Was this built" to "undertaken".
7889	7864	9-10	"Sparte I for Leuna, Sparte II for Buna." should be "Sparte I for the Leuna part, Sparte II for the Buna part."
7890	"	15	Change "social welfare director," to "the man in charge of social welfare matters,".
7891	"	20	Delete "the" before "documents."
7892	7865	10, 11	"individual camps" should be "camp of Monowitz".
7893	7866	3-4	"had given a witness here." should be "have given as witnesses here."
7894	"	5	Place comma and insert "black marketeering," after first word "misappropriation".
7895	7869	14	Insert "in charge" after "the man".
7896	"	19	"Exhibit 104." should be "Exhibit 104."
7897	"	21	"Exhibit 105;" should be "Exhibit 105:".
7898	"	22	"in plan the" should be "in the plan of the".
7899	7870	4	"Exhibit 107," should be "Exhibit 107.".
7900	"	7	Insert "construction" before "management".
7901	"	15	Insert "of this sort" after "letter".
7902	"	31	"make" should be "to make".
7903	7871	2	Insert "German" before "employees".
7904	"	5	"for office" should be "and office".
7905	"	6	Change "Both clerical and especially as" to read "Neither as to members and especially not as".
7906	7872	2	Insert "bad" after "describing the".
7907	"	11	"will be" should be "would be".
7908	"	21	"the same state" should be "the same fate".
7909	"	22	Change line 22 to read "Q. But you were always asked to observe the time limit?"
7910	7873	8	Insert "the construction site of" after "includes".
7911	"	12	Change last words "it will seem to show" to read "for". Insert "it seems impossible that such an" after "Germany". Delete next word "the".
7912			

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7913	7873	14	"which are" should be "were".
7914	"	18	"for sectors;" should be "four sectors;". "OKW for the prisoners," should be "OKW, Stalag for the prisoners of war,".
7915	"	21	Insert "the attorney general," after "Gestapo,".
7916	"	24	Change "the left," to "the right,".
7917	"	25	Place comma after last word "effect".
7918	"	28	"pages 56" should be "pages 59".
7919	7874	1	Add "labor commitment for" after last word "for".
7920	"	2	Change "set is divided" to "site is provided".
7921	"	4	"say at the top" should be "say that at the top we have".
7922	"	5	Change first word "Plain," to "plane,".
7923	"	9	Change first words "are taken" to "came".
7924	"	10	Change last words "work was not done by" to read "workers there were not taken care of by".
7925	"	12	Place period after first word "bar". Begin new sentence with "At the". Change period to comma after "bottom". Continue sentence with "at the left".
7926	"	23	Place comma after "predominately". Change next word "toward" to "also towards".
7927	"	24	Place comma after first word "and".
7928	"	29	"is actually" should be "was actually".
7929	"	30	"goes" should be "went" (twice).
7930	7875	1	First word "Does" should be "Did".
7931	"	9	Change last words "by the way," to "on the left."
7932	7876	15	"showing" should be "showed".
7933	"	16	"salt and line" should be "salt and lime".
7934	7878	3	"316," should be "1316,".
7935	"	12	Place period after second word "offices" and delete next words "from Frankfort, from Berlin." Insert "from Frankfort and Berlin" after "man-power".
7936	7879	4	"come to" should be "come in".
7937	7881	27	First word "should" should be "were to".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7938	7882	17	"Scharnow." should be "Chrzanow."
7939	"	29-30	"bakery" should be "bakeries".
7940	7886	2	Place semi-colon after "about it".
7941	7887	12	Change "discussion" to "suggestion".
7942	"	31	Insert "In comparison with that," before "their employment".
7943	7888	5	Change comma to period after last word "homo".
7944	"	6	Begin new sentence with "Although". Change period to comma after "forbidden". Continue sentence with "he could".
7945	7890	5	Change "that is," to "respectively,".
7946	"	8	"to be advising" should be "to be the advising".
7947	"	20	Insert "only" after "Farben,".
7948	"	30	"document books," should be "document book V,".
7949	7891	3	Last word "plant," should be "plants,".
7950	"	9	"forms," should be "firms,".
7951	"	17	Delete period after first word "charge". Change next words "When all these factories are constructed" to read "for the construction of all these factories".
7952	7891	18	Change comma to period after "box". Begin new sentence with "They have", "tasks" should be "task".
7953	7892	2	Second word "as" should be "when".
7954	"	12	Delete periods after last word "constructed", and continue sentence with "let us" in next line.
7955	"	18-19	Change "There was a lease company for this job for whose operation the OKH was responsible." to read "Farben chose a lease company for this job, in whose Aufsichtsrat, with full responsibility, were representatives of the OKH."
7956	"	19	Delete period after last word "mission" and continue sentence with "assignments" in next line.
7957	"	22	"appointed an Aufsichtsrat consist(ing)" should be "and an Aufsichtsrat was appointed consist(ing)".
7958	7893	25	"were projected" should be "were partly projected".
7959	7894	14	Place quotation marks before "the purpose".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7960	7894	17	Place quotation marks after "Industry,". "that so far as Luranil" should be "that went so far that when Luranil".
7961	7895	1	Insert "as to what" after "so far".
7962	7896	14	Delete "which" after "program".
7963	7897	24	Insert "but" after "available".
7964	7898	13	"as investiga(tor)" should be "an investigator)".
7965	7900	10	"as Gendorf" should be "at Gendorf".
7966	"	12	"it had," should be "and had,".
7967	7902	25	Place quotation marks after "employed,"
7968	7903	19	"Dr. Bartung," should be "Dr. Hartung,".
7969	7906	21	"how come" should be "how was it that".
7970	7909	26	First word "produced" should be "produces".
7971	7911	4	Delete (/)
7972	7913	23-24	"but when all the Buna plants were built, one had" should be "and when one has built all the Buna plants, one has".
7973	"	25	First word "was" should be "is".
7974	7916	10	"I know that the first difficult task was this," should be "I knew that this was the first difficult task I had to solve,".
7975	"	11-12	Change "it first, since it was then" to read "the first signs".
7976	"	14	"succeeded now." should be "succeeded then."
7977	"	19	Second word "charge" is end of Question. Follow with answer reading "A. Yes." Begin question with rest of line "Q. But it seemed ..."
7978	7918	1-6	Delete entirely lines 1-6 as repetition from preceding page.
7979	7919	21	Insert "from "diglycol and powder." after "Dinitrate".
7980	"	27	Insert "and" after "proliminary".
7981	7920	7	Place quotation marks after "powder."
7982	"	17	Change "power." to "resistance."
7983	"	27	"shows what" should be "shows that".
7984	7927	31	"I shall have" should be "I myself shall have".
7985	7928	1	Delete third word "than".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7986	7933	30	Delete second word "and".
7987	7935	17-18	Delete entirely lines 17 & 18.
7988	7936	5	Change question mark to period after "myself of".
7989	7939	18	"that you ask" should be "for you to".
7990	"	27	"Permitted" should be "I permitted".
7991	7941	25	"of any" should be "or by any".
7992	7948	8	Change "decontamination." to "disinfection."
7993	7951	5	Last words "or what he" should be "or that what he".
7994	"	25-26	Insert after line 25 and before line 26: "Q. Witness, do you actually claim that buying foodstuffs secretly in Germany was punished by the Gestapo?"
7995	7956	21	"and told me" should be "they told me".
7996	7961	16	"cost of arms" should be "coat of arms".
7997	"	30	Second word "not" should be "now".
7998	7965	11	"an army plant." should be "a diglycol plant."
7999	"	19	Second word "for" should be "from".
8000	7965	10	"Mr. Renkenbach" should be "Mr. Rinkenbach".
8001	7969	2	Insert "at Ludwigshafen" after "was begun".
8002	"	15	"were also" should be "should be". Also insert "and" before "we were glad".
8003	7970	3	Last word "good" should be "goal".
8004	7975	6	Change last word "report." to "discussion."
8005	"	10	"Mr. Fuerck," should be "Mr. Virck,".
8006	7978	1	Insert "leading to" before "plastics,".
8007	"	2	"branches of" should be "branches leading to".
8008	"	13	Delete "pharmaceuticals,".
8009	7979	26	Delete question mark after plants and complete sentence with "or to request production from Ludwigshafen?"
8010	7980	24	Delete quotation marks after last word "developed."
8011	7981	1	Place quotation marks at beginning of line.
8012	7982	21	Insert "page 73 of the English." after "Exhibit 628,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
8013	7984	3	Change period to comma after "on this".
8014	"	4	This is the continuation of the sentence in line 3 and should begin with "without going".
8015	"	5	This is not a new question, but a continuation of question begun in line 2.
8016	"	7	"these plants," should be "this plant."
8017	"	11	"delivery" should be "deliver".
8018	"	14	"out contracts," should be "our contracts,".
8019	"	15	Place comma after "discussing".
8020	"	17	"to become" should be "to get on".
8021	7986	25	"to go into" should be "go into".
8022	"	26	Delete comma after "show that". Also delete comma after "contrary".
8023	"	29	Last word "diglycol," should be "glycol."
8024	7988	22-23	Insert after line 22 and before line 23 "the chemists were searching for a new intermediate product for detergents."
8025	"	24	Begin new sentence with "The nature". Insert "is" after "chemistry".
8026	7990	11	Change "statement about" to "urgency of the official agencies to carry out".
8027	"	18	First word "can" should be "could". "I know it that" should be "I know that".
8028	"	31	Insert "in Germany" after "employ it".
8029	"	32	Delete "two synthesis processes in Germany."
8030	7991	12	Change "message" to "order".
8031	"	19	"four laboratory" should be "small laboratory".
8032	"	21	"Hoechst" should be "Huels".
8033	"	31	"in the D-Lost." should be "of D-Lost."
8034	7993	2	"plant plans" should be "rapid plans".
8035	7994	1	Change line 1 to read "then the final figures in their conclusions are incorrect?"
8036	7995	9	"sould like" should be "would have liked".
8037	7996	16	"No. Two." should be "World War II."
8038	7997	1	Insert "chemical" after "intermediary".
8039	7998	4	"inmates" should be "inmate".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
8040	8000	4	Insert "36," after second word "Book".
8041	"	11	"S-Substance" should be "N-Substance".
8042	"	15	Change "commission" to "chemist".
8043	"	19	"about it" should be "about them".
8044	8001	13	Change "private enterprises" to "industrial economy".
8045	8002	8	Place comma after "staff" and delete next word "of".
8046	8003	7	"a ignition gas," should be "a special gas,".
8047	"	12	Second word "cases" should be "case".
8048	8004	17	Change "in that direction?" to read "to gain your assistance?"
8049	8005	1	"that was advisable, to" should be "it advisable not to".
8050	"	13	Place period after "Journal". Begin new sentence with "On the".
8051	"	14-15	Change period to comma after last word "Law" and complete sentence with "I have a few documents." in line 15 (No paragraph).
8052	"	21	"contents." should be "contends."
8053	8006	2	"12,000, and 80" should be "12,000 tons, 80".
8054	"	14	Insert "and he says" after "position".
8055	8007	6	Add "outbreak of" after last word "the".
8056	"	16-17	Insert "business" after first word "into" in line 16. Delete "in business contacts that is,".
8057	"	26	Change "the war picture was" to read "the picture of the negotiations was".
8058	8008	1-2	Delete "of the Reich,".
8059	"	5	Place comma after last word "agents" and add "resins, and lacquers and the" after same word "agents,".
8060	"	6	Delete first two words "in the".
8061	8010	10	"OA-861," should be "OA-801."
8062	"	11	Insert "who" after "Roell,". Delete "who" after "1943".
8063	"	12	Place comma after "projects". Change following words "as Custodian" to read "and who is now plant leader and custodian".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
8064	8010	15-16	Change from "Francolor" in line 15 through end of line 16 to read "Francolor, on the result of the conference of the technical committee of Francolor at Ludwigshafen, is".
8065	"	17	Delete quotation marks before "At this".
8066	"	18	Delete quotation marks after "Francolor".
8067	"	19	Delete first word "now".
8068	"	23	Place quotation marks after "Ambros."
8069	"	24	Delete quotation marks before first word "As".
8070	"	26	"carries out" should be "carried out".
8071	8011	25	"(Ex)hibit 17." should be "(Ex)hibit 173."
8072	8012	13-14	Delete "any such product".
8073	"	17	Change "we used our" to "we gave our".
8074	"	21	"can be ued" should be "can be used".
8075	8013	13	"1943." should be "1942."
8076	"	21	Change "same stops" to read "measures of technical care".
8077	"	23	Insert "to" after "Yes,".
8078	"	25	Change "Grebois," to "Grillet,".
8079	"	28	Delete "the" before "pleasant".
8080	8014	15	Add "the frame of" after last word "in".
8081	"	27	Insert "or," before "for example,". "centralites, production" should be "centralite products".
8082	"	28	"was contimped." should be "were continued."
8083	"	29	"gunpowder produced; was" should be "whether gunpowder was produced; were".
8084	8016	23	Place period after "plant". Change next word "so" to "In order".
8085	"	24	Change period to comma after "knew". Continue sentence with "the".
8086	8017	12	Add "The volunteers could go on leave too." after last word "regulated."
8087	8018	1	Change comma to semi-colon after "position".
8088	"	3	"I thought" should be "I felt". Change "because it was" to "and it was".
8089	"	3	"French firm," should be "French firms,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
8090	8018	8	"named Bo" should be "named Beud".
8091	8019	2	Change period to comma and insert "Exhibit 182." after "QA-811".
8092	"	10	Insert "The next document QA-813 is Exhibit 184, and the next document QA-814 is Exhibit 185." before last two words "I should".
8093	"	13	Place comma and insert "QA-815," after "Exhibit 186".
8094	"	15	Place quotation marks before "in the matter".
8095	"	19	Insert "at present impossible, nor may we discharge any. The labor offices have made it" after third word "is".
8096	"	20-21	Change "are already working there." to read "have been trained by us.", with quotation marks after "us".
8097	"	26	Change "Do you not recall" to "Did you not regret".
8098	"	27	"letter of mine" should be "letter of many".
(Nos. 8100-8999 not used)			
8099	8020	5	"to get for these people" should be "to give these people their leaves".
9000	"	7	Insert "in" before "other ways."
9001	"	10	Insert "who are" after "workers".
9002	"	29	Last word "after" should be "at the end of".
9003	8021	6	Change "operating" to "appropriating anything".
9004	"	8	Change last word "you" to "and".
9005	"	9	Delete "first" before "Vorstand".
9006	"	19	"concert" should be "concept".
9007	"	20	"orderly" should be "elderly".
9008	"	23	"was a" should be "was as".
9009	8022	16	Insert "three or four men" before first word "who".
9010	"	18	Change second word "entry" to "expert". Also change last two words "from his" to "being".
9011	"	23-24	Change "to operate and" to read "in order to supply the Russian economic area and which".
9012	"	25	"in a relatively" should be "on the relatively". Insert "of" after "supply".
9013	"	26	Change line 26 to read "Germany but also Sweden, and the Balkans and Italy depended."
9014	"	27	Delete first two words "at least". Begin new sentence with "The".

9015	8024	3	Change period to comma and insert "Charkow." after "factory".
9016	"	12	Change period to comma after "sensible". Complete sentence with "to operate the factories."
9017	"	14	"Do you think" should be "Did you think".
9018	"	16	Change "came back" to "came to me early".
9019	"	20-21	Change "the officials suggestion came to consider, can this" to read "I suggested to consider, whether this". Insert "can" after "factory".
9020	"	21-22	"adopted" should be "adapted".
9021	"	24	Second word "sytrene" should be "styrene". "adopting Russian" should be "adapting Russian".
9022	"	26	"side of" should be "side with".
9023	"	29	Insert "the" before "German".
9024	8025	7	Place comma after second word "then" and delete next words "as to". Place comma after "factory". "founded" should be "found".
9025	"	9	Place period after "one" and delete next word "and". Begin new sentence with "There was".
9026	"	17	"chemists" should be "chemistry".
9027	"	23	Insert "principally" after "shows that".
9028	"	24	Insert "not" after first word "were". Change "a partner in any" to read "a planner".
9029	8027	9	First word "makes" should be "made".
9030	8029	19	"that he always" should be "but he always".
9031	8030	24	Insert "in August 1948," after last word "publication".
9032	8031	4	Place period after "about" and delete next word "it."
9033	8033	20	Change "Conseil d'Administration" to "foundation".
9034	"	24	Change "mutual cooperation and technical respect" to read "technical and commercial work".
9035	8034	10	Change "have a recollection" to "had a reputation".
9036	8035	18	Insert "I could make here, the OKH got knowledge of it." after "study which". Delete next word "was" and begin new sentence with "The".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9037	8036	4	"Prasser Prosper," should be "Brassorot and Prosper."
9038	8038	3	Insert "because of the danger of collision" after first word "scrutinized". Place comma after "Ludwigshafen" and delete next word "before".
9039	"	11	Delete question mark after "pressure" and complete sentence with "of official agencies?"
9040	8040	20	"to wish" should be "the wish".
9041	"	27	Insert "by orders." after "provided".
9042	8042	9	Add "This is the only thing I remember." after "rations."
9043	"	10	"We are not" should be "We are now".
9044	"	19	Did you see it?" should be "Did you see them?"
9045	"	21	"this document?" should be "these documents?"
9046	"	30,31	"Duerrfeld" should be "Duellberg".
9047	8044	21	Change "any access whatsoever to" to read "into consideration at all".
9048	8045	25	Change "permission" to "the order".
9049	8046	2	"in about 2 billion dollars" should be "of about 2 billion marks".
9050	"	3	Change "should now occupy themselves with" to read "would not be sufficient to take up".
9051	8047	4	Insert "about" after "Dr. Struse".
9052	8048	23	Delete comma and insert "for" after "Sparte II".
9053	8049	5-6	Change "questions dealing with housing of workers, dwellings for them, etc." to read "difficulties which arose then; and these qualities of social understanding, of a man with social understanding —".
9054	"	9	"the Farben workers" should be "the young Farben workers at Leuna".
9055	"	17	"shown" should be "proven".
9056	8050	8	Add "the camp" after last word "from".
9057	"	21	"of the inmates," should be "by the inmates,".
9058	8051	7	"begun" should be "began".
9059	"	17	Second word "defenses" should be "fences".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9060	8053	1	"six 6 x 8000 equal" should be "and 6 x 8000 equals".
9061	"	2	"4 x 4" should be "4 x 4000". Last word "equal" should be "equals".
9062	"	31	Second word "come" should be "came".
9063	8054	2	Change "the Eastern economy. To" to read "these surroundings for long range. But".
9064	"	3	"resultion," should be "resolution,".
9065	"	4	Place period after "range". Delete next words "and, therefore,". Begin new sentence with "No such".
9066	"	5-6	Change lines 5 & 6 to read "Until the collapse there was only the concern to accomplish the order of the government; for you know the plant was never finished, no gram of Buna was produced, only part of the task was fulfilled,"
9067	"	17	"should not be" should be "could not be".
9068	8055	1	"Is there" should be "Is this".
9069	"	2	"in what" should be "to what".
9070	8056	3	"from the GEBechem." should be "through the Gebechem."
9071	8058	5	"And it is" should be "And is it".
9072	8059	11	Insert "failed," after "venture".
9073	8061	7	Change last word "send" to "convert".
9074	"	8-9	Place comma after "product". Delete "but that might be possible to be converted".
9075	"	9	Insert "was possible," after "army product".
9076	"	10	Change "document. Whether" to read "document in order to see whether".
9077	"	12-13	Change comma to period after "mononitro-naphtaline" and delete following words "they are both centalite."
9078	"	20	"endicates" should be "you indicate".
9079	"	29	First word "any" should be "and". Place dash before "indicate —".
9080	8062	6	Third word "question" should be "questions".
9081	"	14-15	Change from "represented" in line 14 through "which" in line 15 to read "represented by the defense counsel for lacquer raw materials, plastics and other products, required for civilian consumption. We are concerned with the following products: pentactrite which".
9082	"	15	Delete "is" after "formaldehyde".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9083	8062	15	Delete "is" after "naphtylamine". Place period after "rubber".
9084	"	15-16	Change "and phenyl-naphtylamine" to read "Concerning pentastrite, it".
9085	"	17	"and no military compounds" should be "that no military compounds of any interest".
9086	"	20	"was to substitute" should be "as a substitute".
9087	"	27	"know whether" should be "know where".
9088	"	32	Third word "product" should be "products".
9089	8063	4	"when certain documents are" should be "in certain documents it was".
9090	"	7-8	Change from "produced" in line 7 through line 8 to read "produced, but with the aid of coal, Francolor was occupied in producing such things that not even a single air raid was necessary."
9091	"	24	Last word "never" should be "ever".
9092	"	26	"to colleague" should be "to his colleague".
9093	8064	5	Second word "product" should be "products".
9094	8066	3	"going since that" should be "going and since the".
9095	"	15	Place quotation marks after "1942."
9096	"	30	"fule," should be "fuel,".
9097	"	31	"such things" should be "such peace things".
9098	8067	3	Change "particular work" to "peace-time fields".
9099	"	4	Insert "and let only the German industries undertake the various war fields." after second word "production".
9100	"	5	Place quotation marks before "I" and change next word "keep" to "ask".
9101	"	6	Place quotation marks after "support..."
9102	"	9	"of workers in" should be "of German workers to".
9103	"	10	Insert "which are of decisive military importance." after "program" within the quotation marks.
9104	"	11	Delete "These are the German plants and". "I suggest" should be "I suggested".
9105	8068	3	"we can" should be "we cannot".
9106	"	5	"and conveys" should be "and many convey".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9107	8069	1	"you had only" should be "you only".
9108	"	19	Change first word "It" to "Buna SS or SS". Change semi-colon to period after "with the SS". Begin new sentence with "Furthermore,".
9109	"	24	"therefore, remains" should be "therefore, there remains".
9110	"	27	"one more" should be "once more".
9111	8073	21	Change "This document reminds me of it," to "I recall this document,". Change comma to period after last word "Mr. Luchan".
9112	"	22	Delete "on the enclosures." "exhibit" should be "copy".
9113	8076	15	"if you fall" should be "if you feel".
9114	8076	20	"May it" should be "May I".
9115	"	29	"formal situation," should be "formaldehyde situation."
9116	"	31	Change "chemical agents." to "tanning agents." Insert "and the document are" after "index". Delete next word "is".
9117	8079	9	Add "He did not think of anything else." after last word "that".
9118	"	29	Delete "though" after "is the same".
9119	8080	6	"witness have" should be "witness has".
9120	"	21	Change dash to comma after "Army". Change comma to dash after "from this".
9121	8083	1	Insert "and deliveries to Germany," after "economy".
9122	"	18-19	Boulevard George Sand," should be "Avenue George V,".
9123	8085	20	Delete "in France".
9124	"	21	Insert "of the Francolor plant" after first "machine".
9125	"	30	Insert "the" after first word "of".
9126	8087	7	Insert "— a military agency —" after "report".
9127	8088	2	"Kohnstein" should be "Constein".
9128	8089	23	Add "a" after last word "narrow".
9129	8091	12	Insert "so" after "believe".
9130	8092	13	Insert "was" after "Army".
9131	"	29	Change "but not on my own." to read "but this was not prepared by me."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9132	8093	1	Insert "as to" after "document".
9133	"	2	Change "has nothing" to read "is there anything".
9134	"	30	Delete "to work".
9135	"	31	"manufacturing plant" should be "manufacturing plan".
9136	8094	8	As above.
9137	8095	4-5	Place period after "production" and delete following words "demands in order". Begin new sentence with "To work".
9138	"	5	Change period to comma after "question". Continue sentence with "that was".
9139	"	7-8	Change "for raw materials." to read "at the Raw Materials Staff."
9140	"	11	Change "gasoline" to "alcohol".
9141	8097	7	Delete "almost" after "produced".
9142	"	22	Last two words "same amount" should be "small amount".
9143	8101	15	First word "answer," should be "question,".
9144	8103	2	Change last word "interrogated" to "asked".
9145	"	5	"Directive by" should be "By directive of".
9146	8105	2	Place period after "it was". Begin new sentence with "They spoke".
9147	"	12	Delete comma after "buna".
9148	"	13	Change first words "concerned me, but no" to read "for me concerned the field of". Delete "no" before "chemical".
9149	8106	12	"this as" should be "this is".
9150	"	21	Change first two words "the fields" to "the letters". Place comma after "concerned me" and change next word "in" to "like".
9151	"	22	Change "of them, for instance like" to read "of things, for instance, letters of".
9152	8107	4	"Exhibit 607," should be "Exhibit 609,".
9153	"	13	"we refer" should be "he referred".
9154	"	32	"these two reports" should be "there is a report".
9155	8108	1	Delete "I" after "charts".
9156	"	6	"seen that" should be "seen this".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9157	8108	9	"German" should be "Germany".
9158	"	28	Place quotation marks before "A" at beginning of line.
9159	"	31	Place quotation marks before "Q." at beginning of line.
9160	8109	1	Place quotation marks before "A." at beginning of line.
9161	"	4	Place quotation marks before "Q." at beginning of line.
9162	"	6	Place quotation marks before "A." at beginning of line.
9163	"	7	Place quotation marks before "Q." at beginning of line.
9164	"	8	Place quotation marks before "A." at beginning of line. Also place quotation marks after "Yes."
9165	"	11	Change "over one-hundred pages in interrogations," to read "hundreds of pages in 30 interrogations,".
9166	"	14	Change line 14 to read "this into an affidavit. By one method it was arranged".
9167	"	22	"That Mr. von Halle" should be "Or Mr. von Halle".
9168	8110	3	Insert "that" after "remembered".
9169	"	4	"he had said, yes, or no," should be "had he said no,".
9170	"	7	"he recall" should be "he recalls".
9171	"	21	Insert "from" after "we had".
9172	"	22	Delete "of" after "interrogations".
9173	"	25	Change "That this counsel" to "Since this counsel".
9174	8111	6	"this was a" should be "this was the".
9175	8112	20	Change period to semi-colon after first word "much" and continue sentence with "better, skilled labor ..."
9176	"	21	Change "planned labor, therefore," to read "later plant. Therefore,".
9177	"	26	"I didn't" should be "I don't".
9178	8113	20	Add "I do not recall" after last word "this."
9179	"	26	Insert "(the interpreter)" before "was not".
9180	"	27	Place question mark after "ask you--". This constitutes the end of the question of Defense Counsel. Delete rest of line.

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9181	8113	28	Change line 28 entirely to read "A. May I explain this? Does this interest you?"
9182	"	29	Insert "Q." before first words "I want",
9183	8114	7	Add "And in this way, this staff was created." after last word "plants."
9184	"	12	"Lurenil was with" should be "Luranil which was".
9185	"	13	"firms made up of Construction Engineer Sandow," should be "firm in the hands of the Construction Engineer Santo,".
9186	"	14	First word "Heimann," should be "Eymann,".
9187	"	15	Add "I already told you that it was not my profession to construct." after last word "there,"
9188	"	17	Insert "I was the most inactive," after "three,".
9189	8115	9	Change entire line to read "namely in the construction part of the Montan plant. But I believe it was less represented on the site. Bus-Bau, the Todt organization, took over".
9190	8116	8	Change line 8 to read "war, and passed the question of inmates on to some kind of an SS agency — but it did not, as your".
9191	"	9	Change semi-colon to comma after "said" and delete following words "it did not".
9192	"	25	"There is" should be "This was".
9193	8117	8	Insert "official" before "agencias." Also insert "labor" after "district".
9194	"	10	"was to furnish certain people" should be "would furnish other people,".
9195	"	21	Change last word "and" to "which".
9196	"	22	Insert "know." after third word "not" and delete next word "and". Change comma to period and insert "but" after "decree".
9197	"	25	Insert comma after first word "and".
9198	"	26	Change period to dash after "1942".
9199	"	30	Change "via an office" to read "via a mediation office".
9200	8118	3	Change "employment agency" to "mediation agency".
9201	8118	7-8	Change from "the Capos tell" in line 8 through line 9 to read "the Capo gives the firm a confirmation of the number of skilled and underground building workers from the concentration camp assigned at the firm's request."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9202	8119	30-31	Change from "approved" in line 30 through line 31 to read "approved. For a construction enterprise of 800 million marks, it was of no importance whether a barracks of 2000 marks was built or not — and this".
9203	8120	9	Insert "it" after "continue".
9204	"	23	Change "contradicted it." to "governed it."
9205	"	29	Change "I spoke of 10,000 —" to read "10,000 have been spoken of —".
9206	8121	16	Delete "of" after "word". Place quotation marks before and after "responsibility".
9207	"	17	Third word "large." should be "broad."
9208	"	18	Insert "which" after "food,".
9209	8122	4	Change line 4 to read "direction of the city of Auschwitz and I.G. Farben and the concentration camp".
9210	"	5	Change "because of" to read "regarding". Delete last word "when".
9211	8123	12	Change "the way it was, again." to "as was".
9212	"	13	Change period to comma after "shows" and delete next word "and". Place period after "satisfactory" and delete next words "that way."
9213	8124	4	"It might" should be "There might".
9214	"	5	First word "together" should be "in connection".
9215	"	28	"construction firm" should be "constructor".
9216	8125	3	Change "with the plant manager." to read "for the plant leader and did nothing for Farben".
9217	"	10	Change period to comma after "Falkenhagen too". Change "Armament construction" to read "where Hue-Bau also".
9218	"	14	Insert "of" before "the Luranil,".
9219	"	19	Change comma to semi-colon and add "but that" after last word "too".
9220	"	30	Change "assignment" to "task off".
9221	8126	3	Add dash after last word "Gendorf,".
9222	"	4	Place comma after "Dyhernfurt".
9223	"	11, 16	"plant manager" should be "plant leader".
9224	8127	20	"was ever" should be "were ever".
9225	"	27	Change period to comma after "Luranil" and continue sentence with "for example."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9226	8127	28	Change entire line to read "of employees, which resulted from the fact that it got so many orders from the OKH. Dr. Schae-".
9227	8128	3	Delete "and" after "delimitation,".
9228	"	5	Change "the armament industry" to "Rue-Bau".
9229	"	13	Change comma to semi-colon after "manner". Complete sentence and line with "so also came the name tabun."
9230	"	15	"Dr. Sandow," should be "Dr. Santo,".
9231	8129	23	Change "very precises" to "very valuable".
9232	8130	4-5	Delete as repetition "to try to explain the relations between a construction firm and the inmates,".
9233	"	11	"NI-14294," should be "NI-14297 and NI-14294,".
9234	8133	3	Delete "and then".
9235	8133	2	Insert "he" after "Hoechst".
9236	"	3	Insert "from" after second word "but".
9237	8134	22	Delete "just" before "the people".
9238	8135	30	"NI-14488," should be "NI-14487,".
9239	8136	17	Insert "it," after "drawn from".
9240	8137	31	Change "in the negative," to "on this print,"
9241	8139	19	"show it" should be "show them".
9242	8140	2	"the construction" should be "a construction".
9243	"	8	"Sandow" should be "Santo". "Heimann." should be "Eymann."
9244	"	9	Place comma after "manager" and change "(a high hauser):" to "honoris causa;".
9245	8141	6-7	Place period after "superior". Delete following words "but the O.T. Building Firm."
9246	"	10	"account." should be "accountant."
9247	"	32	"That is the" should be "Here is the".
9248	8142	2	"whole plant" should be "whole plan".
9249	"	6	Place quotation marks before "the I.G. Farben".
9250	"	8	Place quotation marks after "assigned".
9251	8142	9	Change period to comma after "SS" and change next two words "That means" to "which means".
9252	"	12	Change last word "tetralites" to "centralites". Delete quotation marks before and after same word.

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9253	8142	19	First word "latter" should be "later".
9254	8143	1	"is also" should be "which is".
9255	"	5	Place quotation marks before "the incitement".
9256	"	9	Place quotation marks after "for us."
9257	"	12	"importance" should be "important".
9258	"	15	Change period to comma after "Yes" and complete answer with "but in two stages and --".
9259	8144	9	Place comma after "telephone apparatus".
9260	8146	10	"when and were" should be "when and where".
9261	"	30	Last word "transform" should be "transfer".
9262	8147	10	"thyntesia" should be "synthesis".
9263	"	15	Change "worked on such" to "with".
9264	"	17	"ancridin" should be "acrylnitrole".
9265	"	22	Change first words "and from the" to read "and also with hydrogenation,a".
9266	"	30	"longer trip" should be "long trip".
9267	8148	9	"initiatives" should be "initiative".
9268	8149	21	First word "Elatersau." should be "Lochau."
9269	8150	11	Insert "as to" after "started".
9270	"	23	"that for" should be "when for".
9271	8151	27	Change period to dash after first word "itself". Continue sentence with "whom".
9272	8152	3	Change "he had also become deputy manager" to read "he also became deputy business manager (Geschäftsfuehrer)".
9273	8154	26	Insert "a" before "chief".
9274	"	31	Place dash after "started"; also after last word "correct,".
9275	8155	9	"have any" should be "have had any".
9276	"	17	First word "connection" should be "connecting".
9277	"	29	Change "taken up here" to "questioned at this point".
9278	8157	2	Insert "firm" after "building".
9279	"	12	Delete "A" before "I think" in line 13. This is continuation of question begun in line 12.

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9280	8157	18, 20	"selector" should be "electric";
9281	8158	32	Change "buildings," to "machines," and delete rest of line "the technical procedure in".
9282	8159	1	Delete first two words "central agencies,".
9283	"	2	"on work-shop" should be "a workshop."
9284	"	4	Change "a to-building-set system," to read "a building-cost system,".
9285	"	5	Delete second word "had".
9286	"	9	Insert "concrete" before "mixtures".
9287	"	10-11	Change period to comma after "modern". Change "They had swivel arrangements and they were taken away," to read "with swivel arrangements."
9288	"	28	Second word "by" should be "to".
9289	"	31	"out with" should be "out by".
9290	8160	1	Change "into that elevator then," to read "therein,".
9291	8162	6	"Buslerstrasse" should be "Woshlerstrasse".
9292	"	9	Delete period after "procurist" and complete sentence with "of the intermediate products department."
9293	"	23	Change "conference or the other," to "report or another,".
9294	8163	21	Third word "loans" should be "credits".
9295	8164	7	"a conference" should be "one report". "this conference" should be "this report".
9296	"	9	"conference" should be "report".
9297	"	27	Last word "processing," should be "refinement,".
9298	"	28	First word "Landry," should be "detergent,".
9299	8165	2	"0.7%" should be "0.7%".
9300	8166	22-23	Change lines 22 and 23 to read "question: Does the possibility of using such products in an un-typical way in case of war exist in the field of chemistry?"
9301	"	31	"to typical" should be "to the typical".
9302	8167	8	Insert "or" after first word "explosives".
9303	"	10	"factory?" should be "factories?"
9304	"	19	Last word "fesines" should be "resins".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9305	8175	19	Change last words "task of rayon." to "cellulose."
9306	8176	31	Delete "I made my stage".
9307	"	32	Place comma after "chemist" and delete next word "and".
9308	8177	18	Delete "even", after "stated".
9309	8178	1	First word "are" should be "I".
9310	"	6	Insert "them." after "demoralized".
9311	8179	22	"fully" should be "full".
9312	8180	26	"anarchy" should be "autarchy".
9313	8181	15	Change last three words "in the usual" to "in a special".
9314	"	17	"I received" should be "I was received".
9315	8185	12	Dates at end of line are "1921 to 1945".
9316	8186	25	Delete "joined the Party".
9317	"	26	Insert "joined the Party" after "Otto,".
9318	8188	11	"nationalization" should be "rationalization".
9319	8189	13	Change "in this case the TMA" to "by the TMA".
9320	"	26	Change line 26 to read "and, the colleagues had to rely to a large extent on the knowledge of the".
9320a	"	27	Insert "on the part" after "subject".
9321	8190	4	"And this meeting" should be "In these meetings".
9322	"	4-5	Change "the circumstances of it could not have any" to read "did there arise circumstances in".
9323	"	6	Second word "on" should be "or".
9324	"	20	Insert "the" before "plants". Delete "in Wolfen, that".
9325	8191	1-2	Delete "The Public Engineering". Insert "This" before "main technical".
9326	"	3-4	Place comma after "apparatus". Change "which needed repairs in the plants;" to read "repairs, projects;".
9327	"	6	"as the central offices" should be "in the central office".
9328	"	7	Change "big building" to "public building".
9329	"	20	Delete "I had to supervise the cellulose-wool and". Begin new sentence with "The production".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9330	8191	29	Delete "that they were aware".
9331	8192	3	Add "that" after last word "mention,".
9332	"	3	Delete comma after second word "addition". Next word "our" should be "to". Also "this plant" should be "these plants".
9333	"	19	Last word "that" should be "or".
9334	"	30	Delete "of organization".
9335	"	31	Last word "cellule." should be "cellulosa"
9336	8193	7	Change "hunting" to "chamois range".
9337	8194	4	Insert "Socialist" after "National".
9338	"	6	Place comma after "membership". "1921," should be "1912,".
9339	"	15	Add "When were you appointed?" after "Wehrwirtschaftsfuehrer?"
9340	"	16	Place period after "exactly". Delete next word "when".
9341	"	17	Insert "by" after "appointed".
9342	8196	15	Change last word "members" to "papers".
9343	8197	10	"Doesbin" should be "Dustbin".
9344	"	14	"Circular" should be "Circle".
9345	"	18	"from" should be "did".
9346	"	19	Change "could they charge you with super- armament" to read "deal with armament".
9347	"	26	"was important" should be "war important".
9348	"	31	"make." should be "made."
9349	8201	3	Insert "with respect to cellulose wool" after "Time".
9350	8202	1	"In its Trial," should be "In its Trial Brief,".
9351	"	6	"of Farben's collaboration" should be "of transfer of Farben's patents".
9352	8203	23	"war games." should be "map games."
9353	"	25	Delete semi-colon and insert "which rather exclusively were not armament products;" after third word "products".
9354	8204	9	"scarity" should be "scarcity".
9355	"	29	"be a very corse" should be "be very coarse".
9356	8205	20	"had a nember" should be "had a number".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9357	8206	2	"casing" should be "casting".
9358	8207	13 & ff.	"Mueller," should be "Miller,".
9359	"	22	First word "investions" should be "inventions".
9360	"	24	Insert "was planned" after "plant".
9361	"	25	Place comma after "film" and delete next two words "was planned,".
9362	8208	1	"adoption" should be "adaptation".
9363	"	4	Change period to comma after "now" and complete sentence with "especially cellulose wool and artificial silk."
9364	8208-8210		Change "artificial fibers" or "artificial fiber" every time it occurs to "cellulose wool". (German is "Zellwolle").
9365	8210	16	Insert "of" before "artificial silk,".
9366	"	23-26	Change lines 23 to 26 to read "189,000 tons of cellulose wool but 330,000, and not 72,000 of artificial silk but 96,000, and this reduced the percentage from 38 percent cellulose wool production for Farben in the German market for 1943 to 16.2 percent, and the 34 percent for artificial silk to 17.3 percent."
9367	8211	23, 26	Insert "wool" after "cellulose".
9368	8212	8, 15	"artificial fiber," should be "cellulose wool."
9369	"	22, 23 & 28	Insert "wool" after "cellulose".
9370	8213	15, 20	As above.
9371	8215	1	Insert "wool" after "cellulose".
9372	"	12	Last two words "to a" should be "of a".
9373	8216	7	Delete "in Berlin".
9374	"	8	Insert "in Berlin," after "place then".
9375	"	11	"office for" should be "office of".
9376	"	14	Change "cellulose" to "artificial fibers".
9377	"	29	Place comma after last word "him".
9378	"	30	Delete "or maintained no contact with him".
9379	8217	9	Second word "his" should be "him".
9380	"	16	Delete "Q." At beginning of line 16. This line continues Question begun in line 15.
9381	"	23, 28	"camora work" should be "Camera Werk".
9382	"	23	"Dr. Linge," should be "Dr. Lings,". Delete "had" before "described".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9383	8218	1 & ff.	"camera work" should be "Camera Werk".
9384	8219	15	"Farben had" should be "Farben have".
9385	8220	12	"directives" should be "derivatives".
9386	"	18	Delete "in an influence".
9387	"	21	"in view of" should be "in respect to".
9388	8221	6	"namely between" should be "namely with".
9389	"	20	"as I take" should be "as I understand".
9390	"	25	Change "during part of the time" to "only in part".
9391	"	31	Insert "only" after first word "Troisdorf". Delete "also" before "attended".
9392	8222	3-3	"company for the evaluation of chemical products" should be "Company for the Utilization of Chemical Products".
9393	8223	4	"discussed in the exhibit" should be "submitted in the exhibits".
9394	"	5	Change period to comma after "Schmitz". Continue sentence with "in".
9395	"	8	"these are" should be "which are".
9396	"	15-16	Change from "that the company" in line 15 through line 16 to read "that the Reich plants built and operated by the Company for the Utilization of Chemical Products, were to".
9397	"	27	Insert "the Richard Schubert A.G.," after "Eylenburg,".
9398	8224	5	Delete second word "manager".
9399	"	14	"textile derivatives," should be "cellulose derivatives,".
9400	"	28	"film" should be "film-wool".
9401	"	30	Delete "materials for".
9402	"	31	"Wulfen" should be "Wolfen."
9403	8225	13	Delete "a" before "consumer".
9404	"	15	"have been" should be "has been".
9405	"	30	Second word "firms," should be "firm,".
9406	"	24	Delete "by us" after "maintained".
9407	"	25	Insert "III" after "Sparte".
9408	"	30	"this company?" should be "these companies?"

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9409	8227	2	"the production of Sparta," should be "the discussion of the production of the Sparte,".
9410	"	3	Change "we can only ask you" to read "I wish to ask you only".
9411	"	6	"luna" should be "Buna".
9412	"	8	Change period to comma after "about this". Continue sentence with "after". Last two words "had already" should be "have already".
9413	"	10	Change comma to period after second word "then". Begin new sentence with "Since these".
9414	"	11	Insert "not" after first word "and".
9415	"	24	"about it." should be "about than."
9416	"	25	"The question" should be "One question".
9417	8228	10	First word "firs," should be "firms,".
9418	"	27	"calin" should be "claim".
9419	"	28-30	Change from "to have" in line 28 through line 30 to read "to have made it impossible for the Americans to deliver tetracene, an explosive for military purposes, to the British Empire;".
9420	8229	1	Delete first word "impossible:".
9421	"	15	Insert "Book 2," after "DAG".
9422	8230	1	Delete "Volume II,".
9423	"	10	Change "DR. WETTER: And he" to read "WITNESS: I".
9424	"	27	Insert "by Dupont, where" after "nylon,".
9425	"	28	Insert "In May 1939, we concluded an extensive contract agreement with Dupont in this field," after "circumstances."
9426	8231	2	Change "Agfa" to "Ansco".
9427	"	27	Change "the first artificial silk" to read "the Fe Ce fiber, the first synthetic silk".
9428	7233	2	"Dr. Mueller." should be "Dr. Miller."
9429	"	11	"your knowledge" should be "a general knowledge".
9430	8237	11, 14, 21	"artificial fibers" should be "cellulose wool".
9431	"	14	"were to compete" should be "was to compete".
9432	8239	6	Insert "in Hoechst" after "experts".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9433	8239	25	Insert "that" after "observe".
9434	8240	19	"the German part and the part of France" should be "the general part and the section on France".
9435	8244	29	First word "constitutes" should be "constituted".
9436	8245	32	Place period after last word "responsible".
9437	8246	1	Begin new sentence with "Since,".
9438	"	2	Change period to comma after "workers". Continue sentence with "there".
9439	8247		Pageination "2847" should be "8247".
9440	"	4	Insert "a" after first word "that".
9441	"	5	Delete second word "which".
9442	8254	31	Insert "and remained" after second word "were".
9443	8257	32	Delete first two words "As for" and begin sentence with "The".
9444	8258	19	Delete first word "a".
9445	"	25	Second word "were" should be "was".
9446	8259	10	Add "for organizational reasons." after "(Buchen)wald".
9447	"	15, 25	"factories," should be "factory,".
9448	8259	16	"occasionally" should be "above all".
9449	8260	9	Delete "a" after "It's".
9450	8260	24	Change period to comma and insert "especially by I.G." after "the firm".
9451	"	23	Change "she got his army allowance." to "the salary the husband had earned was transferred to his wife."
9452	8261	23	"trade schools." should be "schools for mechanics."
9453	"	31	Change line 31 to read "to be confirmed with regard to the question of priority by the competent".
9454	8262	4	Insert "1940." after "May".
9455	"	6	"and 1941." should be "through 1945,".
9456	8263	8	Insert "the struggle against" after "dealing with".
9457	"	18	Insert "to" after "as well as".

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9458	8264	16	"informer" should be "denouncer".
9459	"	27-28	Change "marriage assistance." to "public loan to encourage marriages".
9460	8265	1	Last word "informer" should be "denouncer".
9461	"	16	"860" should be "1860".
9462	"	21	"1,850" should be "1,860".
9463	"	28	Delete "of the" after "the account" and place quotation marks around "barracks construction".
9464	"	29	Change "of the plant." to "operation". (This word "operation" should be in quotation marks.) Also insert "dayroom huts" after "that these".
9465	8266	5	Insert "first" after "there were".
9466	"	10	"MR. PRESIDENT," should be written "Mr. President,".
9467	"	16	Delete last words "stop to".
9468	8267	13-14	Change "we employed thousands and" to read "of the many thousands employed by Farben".
9469	8268	2	"very good," should be "extraordinary".
9470	"	10	"inunderstandable" should be "not understandable".
9471	8269	1	"the doctor" should be "the woman doctor".
9472	"	14	"Mr. von Mol" should be "Mr. van Mol".
9473	"	20	Insert "additional" after "19 days". Change "and was a shirker." to read "by shirking."
9474	8270	9	Second word "would" should be "can".
9475	8271	10	Insert "carefully" after third word "leaders".
9476	8273	26	"30 million" should be "13 million".
9477	8274	12	"4002" should be "1402".
9478	8275	5	"I understand" should be "I understood".
9479	"	7	Change period to comma after "plant". Continue sentence with "exclusively".
9480	"	9	Delete "Thatwa".
9481	8278	1	Insert "been" after first word "had".
9482	8279	9	Insert "and" before "deducting".
9483	"	16	Change line 16 to read "time. If a shirker was not at work then he was no longer credited with overtime and".
9484	8279	17	Delete first word "Then".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9485	8280	26	Insert "imprisoned or" before first word "transferred".
9486	8281	10	"frequently." should be "sometimes."
9487	"	29	Change comma to period after "punishment". Begin new sentence with "During".
9488	8282	16	Third word "German" should be "Camera".
9489	8283	8 & ff.	"camera works" should be "Camera Works".
9490	"	19	Change second word "master" to "foreman".
9491	8286	9	Place comma and insert "in summary," after "efficient and".
9492	8291	8, 18	"chemical industry" should be "Chemische Industrie".
9493	"	15	"he did have" should be "it did have".
9494	8292	1	"Dystra" should be "Vistra".
9495	"	12	Delete "Did Dr. Gattineau know of any discussion?" "Did he bring" should be "Did Dr. Gattineau bring".
9496	8295	11	"he ask you" should be "he asked you".
9497	8296	3	Delete quotation marks after "acid."
9498	"	6	Place quotation marks after "mobilization."
9499	8299	31	Insert "he" before "didn't have enough".
9500	"	32	"that I could" should be "that he could".
9501	8303	20	"in artificial sild." should be "in cellulose wool and artificial silk."
9502	8304	13	Place comma and add "and" after last word "annually".
9503	"	31	"Dr. Striss," should be "by Dr. Struss,".
9504	8305	30	"this dealings" should be "these dealings".
9505	8309	29	Insert "I" before "received it,".
9506	8313	18	Insert "our epochal invention. In order" before "to build".
9507	"	19	Change period to comma after third word "plant". Continue sentence with "this was".
9508	8314	9, 21	"the dey men" should be "the key men".
9509	"	23	"They way" should be "The way".
9510	8316	4	"I was" should be "I went".
9511	"	8	"I have any" should be "I have not any".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9512	8316	13	"dated May." should be "dated 1 May."
9513	8321	21	"his denunciation of Hinget." should be "the denunciation against me."
9514	"	25	Last word "and" should be "that".
9515	8323	9	Insert "my" after second word "by".
9516	"	10	"on January" should be "of 24 January".
9517	8324	3	Insert "you" after second word "that".
9518	8328	9	Insert "a" after first word "been".
9519	"	13	"was there" should be "came".
9520	"	15	Change period to dash after "released". Continue sentence with "she was".
9521	8327	19	Delete period and add "and experiences." after "our reports".
9522	8332	4	Insert "that." after "something like".
9523	"	32	Insert "and" after "believe".
9524	8335	16	"may close" should be "my close".
9525	"	26	"Korn," should be "Koerner,".
9526	8336	16	Delete last word "made".
9527	"	23-26	Change from "he lacks" in line 23 through line 26 to read "then he lacks the intermediate facts which were pointed out before DAG made the appeal. We are quite content with the intermediate facts found before the appeal was lodged in this case."
9528	8338	17	"leading personalities of the petitioners" should be "chiefs of the appellant company".
9529	"	19	"their own" should be "its own".
9530	"	20, 23	"petitioners" should be "appellant".
9531	"	21	Change "If a community" to "After the community".
9532	8340	29, 25	"Wielen," should be "Wyhlen,".
9533	"	26	"solve-soda" should be "solway-soda".
9534	"	31	Delete "firm" after "Elektron".
9535	8341	23	"Riedorf-Schwerstadt" should be "Ryburg-Schwoerstadt".
9536	8342	30	Insert "there" after "member".
9537	8343	17	Insert "by Griesheim" after "constructed".
9538	"	18	"to utilize the chlorine electrolysis." should be "to utilize its pioneer work in the chlorine electrolysis field."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9539	8344	5	Delete first word "mine". "being administered" should be "were administered".
9540	"	9	Add "in 1928" after "Bitterfeld".
9541	"	13-14	Delete "developed by the Schkopau personnel,".
9542	"	29	"anorganic" should be "inorganic". Insert "as those of Wolfen Farben" after "departments".
9543	"	30	Change comma to period after "plant". Delete following words "and dyestuffs were added to my work as well."
9544	"	31	"In 1936, when Dr. Jaehne" should be "In 1937, when Dr. Jaeger".
9545	8345	1	Delete first word "besides".
9546	"	5	Change "caustic potash" to "alkali".
9547	"	7	"certain metal" should be "cerium metal".
9548	"	8	"Cyacon powder" should be "zirconium powder".
9549	"	16	Insert "acids" after "tungsten".
9550	"	21	Delete "That was" and begin sentence with "In 1933-34".
9551	"	27	"No. 41," should be "No. 42,".
9552	8349	24	Insert "superior and" before "parallel".
9553	"	29	Insert "the interests in the Metallgesellschaft by" after "Dr. Pieter and".
9554	8350	4	Place comma and insert "the Chloruko," after "sub-commission".
9555	"	26	"Electrochemica" should be "Electroquinica".
9556	"	39	"Magnetik" should be "Magnesit".
9557	8351	32	"also a foundry" should be "also in the foundry".
9558	"	3	Delete second word "where".
9559	"	5	Change line 6 to read "A. No, I don't remember any other change."
9560	8352	6	"Solve Company," should be "Solvay Company,".
9561	"	19	Add "the" after last word "straighten".
9562	8353	9	"Buergin." should be "Berlin."
9563	"	18	Change "armament headquarters" to read "Ruestungskommando of the district Halle".
9564	"	27	Change "headquarters of the Halle Defense Zone" to read "Ruestungskommando of the district Halle".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9565	8354	1	Change first word "letter" to "last".
9566	"	25	Insert "himself" after "the fact that he".
9567	"	27	"this trip" should be "his trip".
9568	8355	27	Delete "it" before "was discussed".
9569	"	30	"produced" should be "was used".
9570	8356	11	Insert "contract" before first word "negotiations".
9571	"	13	"this plan was" should be "this plant was".
9572	8357	8	Insert "contract concerning the" after "about another".
9573	"	9	Insert "page 18 of the English." after "Book 30,".
9574	"	13	"Book 8," should be "Book 6,".
9575	"	18	Place comma and insert "as far as I know, had" after "Aken". Delete last word in line "has".
9576	8358	4	Add "It was in 1934," after "magnesium."
9577	"	7	"Pharnalit," should be "granulit,".
9578	8359,	15	Insert "book 30, pages 25, 26 and 29," after "and 577,".
9579	8360	2	Delete comma and insert "to" after "Mr. Konrad".
9580	"	22	"also the profits" should be "likewise the profits".
9581	8361	29	Insert "last" before "world war."
9582	8362	2	"296 million" should be "269.6 million".
9583	"	18	Third word "material," should be "metals,".
9584	"	24	"that book," should be "the English book."
9585	"	28	Change "general processes" to "general purposes".
9586	8364	18	Insert "by us" after "demanded".
9587	"	22	"cousts" should be "costs".
9588	8365	1	Change last word "munitions" to "magnesium".
9589	"	5	Change "to which this magnesium went" to read "of the magnesium as going".
9590	"	13	Insert "to 1944" after "1938". Place comma after "period".
9591	"	13-14	Change "from 1944 on it" to read "from the beginning until 1944, it".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9592	8365	17	Change "brought by" to "presented by".
9593	"	24	Change "excerpts" to "experiments".
9594	"	25	Delete first word "in". Place comma after "1937". Insert "with" after "mentioned".
9595	8366	2	"organic scientific" should be "inorganic scientific".
9596	"	7	Change "part of the production" to "a preliminary product".
9597	8367	2	Change last word "specialist" to "special list".
9598	"	17, 18	"Hyeringen" should be "Heringen".
9599	"	22	Insert "in form of pigs" after "foundries".
9600	"	23	Change "in alloys form." to read "for alloying purposes."
9601	8370	24	Delete last word "use".
9602	"	30	Change semi-colon to comma after "page 89" and continue sentence with "where a motor".
9603	8371	4	Delete comma after "equipment". "cutting plates" should be "the setting plates".
9604	"	5	Insert "used" before first word "extensively".
9605	"	9	Insert "to" after first word "exhibitions". Change "and alloyed products;" to read "and aluminum alloys and products made of them."
9606	"	17	Change first word "necessarily" to read "at all intended".
9607	8372	21	Second word "negotiations" should be "agreements". Change last word "rapid." to "repaid."
9608	"	23	Change comma to period after "quite general". Begin new sentence with "As I".
9609	"	24	"we have maintained an exchange" should be "we maintained an active exchange".
9610	"	25	Change "abroad, and have made" to read "foreign countries, and made". Insert "to them" after "available".
9611	"	27	"we contacted" should be "we contracted".
9612	8373	3-3	"metals used to advantage more than armament." should be "metals were used to advantage in modern armament".
9613	"	4	"base was" should be "plays".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9614	8168	2	Change "working with an initialing fuse." to read "which explodes when ignited."
9615	"	8	Insert "two" before last word "World".
9616	"	10	Last word "processes," should be "refinement,".
9617	"	17	Delete comma and insert "were" after "production". Change period to comma after "seven". Continue sentence with "That is,".
9618	8170	6	"or the other" should be "or another".
9619	"	10	Last word "TECO" should be "TEKO".
9620	"	14	Insert "ZW." after "Department".
9621	"	14-15	Change "there would be one or the other agencies who were" to read "one or another agency who was".
9622	"	16	Change period to comma and insert "such as" after "Commission". Continue sentence with "the Sales".
9623	8171	17	Insert "or before or at the same time?" after first word "(pro)duction". This is the end of Question. Begin new paragraph with rest of line, inserting "A. Since 1936, I was secretary of the Intermediate Products Committee" before "and during the period".
9624	"	19	"Intermediary Production Commission." should be "Intermediate Products Committee."
9625	"	21	"Intermediary Production" should be "Intermediate Products".
9626	8172	29	Insert "Above all we agreed that his report should be quite objective by comparing the small German production to the large poison facilities of the Americans and Russians. I recall that he made allusion to new German developments too, but he assumed that they were already known to our enemies. I recall that I strengthened Dr. Ambrose to remain in this crucial moment the honest technician who has to oppose other purposes in the poison gas field." after "enemy and friend."
9627	"	30	Place comma after "Hitler". Following words "I could" should be "I can".
9628	"	32	Place quotation marks after "gas war,".
9629	8173	3	Change quotation marks to single quote before "Jawohl,". Place single quote and quotation marks after "Fuehrer".
9630	8175	7	Delete "and what was your position".
9631	"	17	"eventually" should be "finally".
9632	"	18	Delete "eventually".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9633	8373	13	"olection will not be" should be "electron is not".
9634	"	17	Change "of aluminum; has only a small significance" to read "of 1/10 of aluminum, have only a corresponding significance".
9635	"	18-21	Change lines 18 through 21 to read "addition to that, for building materials chiefly made of light metals up to now, there is competition with other stuffs, for instance, modern plastics. Even fine steel can be used in the aviation industry."
9636	8374	4	Change "Australia." to "Austria."
9637	8375	7	"'31 and '32" should be "'31 and '33."
9638	"	16	Insert "loyal" before "exchange".
9639	8376	8	Insert "fine" after "extremely".
9640	8377	8	Change "we had our" to read "we constantly advised". Insert "e.g.," before "alley foundries".
9641	"	18	Add "the" after last word "furthering".
9642	"	20	Insert "Dr. SCHUBERT:" before "I should".
9643	"	21	Delete "a chart of Farben,".
9644	"	22	Insert "French" before "firms".
9645	"	30	Insert "Q." before "You were".
9646	8378	2	"limiting were issued to us." should be "limitations were placed on us."
9647	8379	5	Insert "foreign" before "visitors".
9648	"	27	Insert "of the Senate" after "sub-committee".
9649	"	28	"Book 23," should be "Book 43,".
9650	8380	1	Place quotation marks after "America."
9651	8383	21	"and Ziegler to Director Fischer to Farben at Berlin." should be "and from Ziegler to Director Fischer of Farben in Berlin."
9652	8384	13	Place comma after "Book I".
9653	"	21	Insert "with" before "the preparation".
9654	"	22	Insert "plants in central Germany and" after "war,".
9655	"	23	Delete "being" before "mentioned".
9656	"	24	"branch of" should be "plants of the".
9657	"	26	Delete "construction of these plants and the".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9658	8385	11	"Projection Document" should be "Prosecution Document".
9659	"	15	"hollible-Chloride Vequireneuts" should be "possible Chloride requirements".
9660	"	27	Add "occasionally." after "operate it".
9661	"	30	Insert "as to" after "particular". Also insert "of the products?" after last word "turn-over".
9662	8386	3	Insert "contract" after "In the".
9663	8387	9	"Sales Combine" should be "Works Combine".
9664	"	12	Change period to comma after "investigations". Continue sentence with "if changes".
9665	"	17	Change "thualy." to read "by the authorities?"
9666	"	24	Add "of the magnesium plants." after "plant".
9667	8388	5	"August 1949," should be "August 1939, which".
9668	8388 & ff.	30 & ff.	"Oleon" should be "Oleum".
9669	8389	12	Insert "at Wolfen and at Doeberitz," after "Oleum".
9670	"	17	Change "at a much lower level." to read "by offices subordinate to me."
9671	"	26	"41,000" should be "4,000".
9672	"	27	Change "in Eesen." to "in Doeberitz."
9673	8391	8	First word "used" should be "mentioned".
9674	"	9	"Book 38," should be "Book 31,".
9675	"	14	"the next date" should be "the exact date".
9676	"	17	Delete "Wifor".
9677	"	19	"33," should be "31,".
9678	"	24	"Book 39," should be "Book 31,".
9679	8392	13	Change line 13 to read "Maingauwerke."
9680	"	14	"the war was" should be "the operation of the plant, was".
9681	"	20	"of additional help" should be "of an additional subsidiary plant". "particular" should be "particularly".
9682	"	23	Insert "gypsum" before "sulphuric".
9683	"	26	Delete period after last word "Wolfen".
9684	"	29	Delete "pla, a" after "Verfahren".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9685	8393	1	Insert "Exhibits" after "Prosecution". "page 10," should be "page 110 and following,".
9686	"	5	"documents as tear gas" should be "documents is a tear gas".
9687	"	7	Third word "for" should be "with".
9688	"	11	"boms" should be "bombs".
9689	"	14	Change semi-colon to comma after "authorities". Insert "I," before "however,".
9690	"	15	Change period to comma after "success". Delete next word "I".
9691	"	16	Add "When was this plant constructed?" after last word "happen?".
9692	8393	21	Change "Yes, this" to "Such a".
9693	"	23	Insert "Fals" after "affiant". "655," should be "665,".
9694	"	24	"it is said" should be "says".
9695	"	25-26	Change from "benzene," in line 25 through line 26 to read "benzine, was delivered from Bitterfeld and Wolfen, to Dyhernfurt for the warfare agent production. Did you know the purposes?".
9696	"	29	Insert "book 35, page 113 of the English," after "Exhibit 635".
9697	8394	23	Change "for certain" to read "and for all chlorine".
9698	"	25	Insert "ethylene" after "created".
9699	"	27	Change period to comma after "production". Also change following words "At large," to "and".
9700	"	28	"find its use" should be "have its use to a".
9701	8395	2	"from the year 1934 to 1940." should be "in the year 1934 and in 1940."
9702	"	8	"I am de more" should be "I am told that I have made even more".
9703	"	26	Insert "importance" after "sufficient". Delete comma at end of line.
9704	8397	10	"page 1110." should be "page 110."
9705	"	12	Delete "certain". "or which has" should be "which have".
9706	8400	16	Second word "number" should be "with".
9707	"	17	"this number," should be "this new number,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9708	8402	19	"1937" should be "1939".
9709	8403	4	Insert "(WIPO) of Farben" after "Department".
9710	"	8	"Two products" should be "Intermediate products".
9711	8404	5	"he already took" should be "he had already taken".
9712	8406	1	"Exhibit 1139, page 65" should be "Exhibit 1193, book 65, page 43 of the English".
9713	"	2	"1942." should be "1941."
9714	"	5	Change "aluminum product," to "aluminum project,".
9715	"	8	Third word "of" should be "under".
9716	"	13	Second word "plant" should be "project".
9717	"	15	"by Koppenberg from" should be "from Koppenberg that".
9718	"	16	Change line 16 to read "quota of 13,000 tons of aluminum, 25,000 tons of alumina, and 3,000".
9719	"	24	Insert "Exhibit page 48," after "Volume 65,".
9720	8407	9	Insert "and" before last word "Hansa."
9721	"	26	"the rice" should be "the price".
9722	8408	13	Change "that company." to read "the Nordisk Lottmetal."
9723	"	19	"Document 1199" should be "Exhibit 1199".
9724	"	27	Insert "by far" after first word "exceeded".
9725	8409	25	Insert "(Chem)" after "committee".
9726	8410	1	"for a plant" should be "from a plant".
9727	"	2	Change last word "affair?" to "document?"
9728	8411	3	Insert "by" before first word "some".
9729	8412	4	Insert "made" after "he had".
9730	"	5	"he had" should be "I had".
9731	"	12	"left bland." should be "left blank."
9732	"	32	Insert "to" after first word "support".
9733	8413	10-11	"at this time, now." should be "for the first time, here."
9734	8414	6	Insert "for the chemists and such people" after "questions". "were given" should be "were placed".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9735	8414	14	Insert "(Gertraudensrat)." after "Council".
9736	"	16	"his successor," should be "his successors,".
9737	8415	7	Insert "at" after "held".
9738	8416	16	"territories or" should be "territories of".
9739	"	23	"15 KW" should be "15,000 KW".
9740	"	30	Insert "without any change" after first word "capacity". Place period after "production".
9741	"	30-31	Delete "without any change".
9742	8420	11	Add "foreign" after last word "all".
9743	"	17	"workers by" should be "workers are to be".
9744	8421	20	Add "or ill-treated" after last word "beaten".
9745	"	25	Place period after "prohibited". Delete next word "and" and begin new sentence with "That".
9746	"	30	Delete second word "repeatedly".
9747	8422	19	"the purpose," should be "this purpose,".
9748	8423	7	"and this his" should be "and that his".
9749	"	13	"particular plant," should be "south plant,".
9750	8423	18	"25 to 30 years" should be "25 to 40 years".
9751	"	27	"was brought" should be "were brought".
9752	"	28	Insert "often" after "disinfection,".
9753	8424	5	Place comma and insert "as was mentioned yesterday," after "physicians".
9754	"	16	Change "March 1945," to read "June 1944, Prosecution Exhibit 1396, book 70, English page 135,".
9755	8425	8	"Balandier" should be "Balandier".
9756	"	16	"and a card" should be "on the basis of the card".
9757	"	17	Insert "and in addition," before last word "they".
9758	8426	23	Change "in addition to Balandier," to read "something in addition about the fact that according to Balandier,".
9759	"	29	Change "apart, there were" to read "apart that I gave".
9760	"	30	Delete "very" after "excluding".
9761	8427	18	Insert "to the police," after "reported".
9762	"	23	Change "to create" to "to prevent".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9763	8428	9-11	Change from "minutes" in line 9 through "That is" in line 11 to read "minutes you mentioned before and it is pointed out that this absenteeism was reduced by the distribution of the ration cards in the factory itself. That is".
9764	"	29	Add "of all his co-workers." after last word "work".
9765	8430	6, 8	"raw materials," should be "war materials".
9766	"	12	Insert "and" after "matches".
9767	"	13	"where they are" should be "for which they are".
9768	"	17	Insert "certain" after "containing". "into explosive substance" should be "into an explosive".
9769	"	26	Insert "(Montage-Firmen)" after "fitting firms".
9770	"	31	Insert "in time" after "initiative".
9771	8431	1	"ty two" should be "by two".
9772	"	27	"to remember" should be "I remember".
9773	8432	20	"1796," should be "1769,".
9774	"	30	"is being produced" should be "was produced".
9775	8434	5	Insert "for these foreigners," after "possible".
9776	8435	4	Delete "who" before "had to leave".
9777	"	11	Insert "through their intervention" after "and there".
9778	8436	15	Delete question mark after "indictment" and complete question with "before it was served on you?"
9779	8437	27	"1843," should be "1943,".
9780	8439	20	"we went" should be "he came".
9781	"	26	"meant time" should be "meantime".
9782	8442	2	"to deal" should be "to dealing".
9783	8443	4	"the one or the other things" should be "by one or another it".
9784	"	5	"into the ear" should be "into one's ear".
9786	"	22, 25	"Mr. Bollmann," should be "Mr. Borgwardt,".
9786	"	26	Change "to get them into" to "to stress the importance of".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9787	8444	30)	Change from "caustic soda" in line 30, Page 8444, through "whom did" in line 1, page 8445, to read "caustic soda, you gave the production figures of Farben to the Raw Materials and Foreign Exchange Staff and, if I remember correctly, by order or in agreement with the Vorstand of Farben. Whom did".
9788	8445	1)	
9789	8445	8	"quite possible." should be "quite impossible."
9790	"	21	First word "of" should be "at".
9791	"	23	Insert "automatically" before "would give".
9792	8447	7	Change question mark to comma and add "I don't know." after last word "not".
9793	"	28	Change "and after Schnitzler to 1945," to read "and afterwards until 1945,".
9794	8448	3	Last word "an" should be "no".
9795	8450	3	Change line 3 to read "A. He didn't do any job for me - on which I then had to".
9796	"	4	First word "decided." should be "decide."
9797	"	11	Last word "Were" should be "where".
9798	8451	8	"cause any" should be "caused any".
9799	8452	25	Delete comma after "remember". "did you have" should be "whether you had".
9800	"	26	Last word "underneath" should be "under".
9801	"	28	Change "the minutes of the Sulphur" to "those on sulphides".
9802	"	29	Change "the meeting concerning" to read "and on those on".
9803	8454	6	"aware of not" should be "aware not of".
9804	"	19	"I marked" should be "I mark".
9805	8455	11	Place period after "mimeographs" and delete last word "then."
9806	8456	16	Delete "the" before "legal".
9807	8457	2	"you like it" should be "you liked it".
9808	"	7	"Electroanalysis" should be "Electrolysis". Place comma after "4-Year-Plan".
9809	"	13	"of the year?" should be "of which year?".
9810	"	30	First word "some" should be "the".
9811	8458	7	"just an expert" should be "such an expert".
9812	"	19	Delete "Company" after "Chlor-Uko".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9814	8458	20	Place quotation marks after "synthetics". "That is" should be "That includes".
9815	"	21	Change period to comma after "too" and complete sentence with "as I was acting in my capacity as chairman of Chlor-Uko."
9816	"	23	"the expert, Dr. Buergin," should be: the experts," and includes Dr. Buergin,
9817	"	24	Place quotation marks before first word "in". "with him" should be "with them". Delete last word "No".
9818	"	25	Change line 25 to read "I don't know of any consultation, as I was not present."
9819	8460	26, 30	"Yoerss." should be "Joerss."
9820	"	29	"remember it," should be "remember that,".
9821	8461	13	"There were others which" should be "They were others who".
9822	"	18	"1963." should be "1964."
9823	"	24-26	Delete entirely "It is the substance of what he said, whether the hanging happened in front of the camp or within the Camp Marie."
9824	8462	6	"to see them and read them in full to" should be "you see them, to read them in full and to".
9825	"	7	Change period to colon after "witness". Place quotation marks after last word "remember."
9826	"	12	Insert "and that" after "came back,".
9827	8463	3	Place quotation marks after "guarantors."
9828	"	7	Place quotation marks and period after "traders".
9829	"	8	Delete "with leaves."
9830	"	20	"We produced" should be "We produce".
9831	"	23	Place quotation marks before "with reference".
9832	8464	9	"to be also to" should be "to inspect also".
9833	"	29	Change "at Sunde" to read "near the San River".
9834	8465	8	"we introduced" should be "we introduce".
9835	8466	9	"Goering's plant" should be "Goering's plans".
9836	"	13	"you has been" should be "you have been".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9837	8467	7	Insert "he" after "whatever".
9838	8471	11	Delete "Private agreement," - underneath that,".
9839	"	23	Last word "firm" should be "firm's".
9840	"	31	"Hesse workers" should be "those workers".
9841	8474	29-30	Insert after line 29 and before line 30 the following: THE PRESIDENT: The objection is sustained. Please repeat your question in a different form.
9842	8475	26	Change "like apart from" to "outside of".
9843	8476	7	Add "within the Works Combine Central Germany or were they working" after last word "plants".
9844	"	8	"who were" should be "where they were".
9845	8479	12	Insert "but" after "argument".
9846	8483	3	Change "directly" to "and indeed".
9847	"	4	Place comma after "Bitterfeld". Change dash to read "and also".
9848	8486	23	Change period to comma after "workers" and complete sentence with "and I was constantly advised to urge that German workers be assigned to the film factory."
9849	8487	13	"recruiting" should be "recruited".
9850	8490	12	Insert "the" after "Generally by".
9851	8493	2	Change "it their" to "there a".
9852	"	6	Change line 6 to read "was on the basis of supplementary rations for overtime and heavy work, so that community feeding was beyond".
9853	"	7	"That was" should be "It then became".
9854	8494	20	Change "The Germans" to read "Other German government offices".
9855	8495	6	"camps." should be "camps."
9856	8497	5	"Vertrauens." should be "Vertrauensmannner."
9857	8498	4	"this would" should be "with which it would".
9858	"	12	"but he always" should be "and he always".
9859	8499	28	Place comma and insert "escapes from work." after "contracts".
9860	8502	11	"the women's camp of the Poles." should be "the Wolhynia camp".
9861	"	26	Place comma after "camp".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9861	8504	4	"Krut Riess." should be "Kurt Riess."
9862	"	8	Insert "a little" after "the most".
9863	"	19-20	Change lines 19 & 20 to read "A. Well, that happened later. As far as I remember, this famous Order 13 came later, not during my time. Later tho".
9864	8505	3	"was subject" should be "were subject".
9865	"	5	"with him" should be "with them".
9866	8506	5	"Dr. Gingst," should be "Dr. Hingst,".
9867	"	8	"Kreisleiter, Kreis Bitterfeld, Karakock" should be "Kreisleiter Karasek of Kreis Bitterfeld,".
9868	8506	9	Delete comma after "Gajewski".
9869	"	10	"and examination" should be "an examination". Delete comma after "character".
9870	"	13	"learned that" should be "learned through". Delete comma after "Orstgruppenleiter".
9871	"	14	Insert "that" before "attempts".
9872	"	22	"which were" should be "which was".
9873	"	28	Change "assisting in" to "for".
9874	"	32	Change line 32 to read "as taken by the German Labor Front when they had been taken by Farben throughout".
9875	8507	12	"non-anyous" should be "non-Aryans".
9876	"	26	"from of" should be "form of".
9877	8508	5-6	Lines 5 & 6 are not in their proper place but should appear after line 12.
9878	8509	16	"and that" should be "but that".
9879	"	24-25	Lines 24 and 25 are misplaced and should appear only after line 29, and before line 30.
9880	8511	20	Change period to comma after last word "Farben" and continue sentence with "the Aluminum" in next line.
9881	8512	21	Delete second word "in".
9882	8514	5	Delete "another,".
9883	"	31	Delete "as was".
9884	8516	8	"was express" should be "was expressed".
9885	8518	4	"cedical facilities" should be "medical facilities".
9886	8523	5	"who was" should be "who were".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9887	8524	18, 22	"Kalin" should be "Kleine".
9888	8526	16	"Were the SS" should be "Were there SS".
9889	8527		Pagination: Page numbered 8529, beginning "prosecutor said," should be renumbered "8527".
9890	8530	24-25	Change "in that plant." to "of the situation."
9891	8531	6	"that as" should be "than as".
9892	"	12	"cross-examine to" should be "to cross-examine".
9893	8532	27	Change "Pleiger" to "Kleine".
9894	8535	23	"Dr. FRACHT" should be "Dr. von KRAFFT".
9895	8537	15	"of I.G." should be "of the I.G. process".
9896	8538	9	"refraining" should be "refrained".
9897	"	16	"and where?" should be "and upon whose wishes?"
9898	"	17	Change "expressed" to "wished".
9899	"	19	Delete period after "concerned". Change next word "Then" to "because".
9900	"	21	Change "material, and" to read "casings, that is,".
9901	"	22	Place comma after "bombs". Next word "was" should be "were".
9902	"	32	Second word "is" should be "to".
9903	8539	15	Insert "France," after "England,".
9904	8540	19	"occupation" should be "operation".
9905	8541	17	Second word "products" should be "casings".
9906	"	23	"it readied" should be "it reached".
9907	8542	20	"plant" should be "plan".
9908	8543	29-30	Change "paid duty on and imported." to read "taxed with import duty."
9909	8544	19	"redied" should be "ready".
9910	"	25	"that that if Farben goes" should be "that if Farben went".
9911	8546	28	"to do, in" should be "to do with it, until the".
9912	8548	14	Insert "number?" after "exhibit".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9913	8548	22	"Jones" should be "Joerss".
9914	8552	14	"the January" should be "on January".
9915	"	22, 25, 27	"chlorine" or "chlorite" should be "chloride". In line 28, however, "chlorine" should remain "chlorine".
9916	"	24	"murned" should be "burned".
9917	"	27	"electroletic" should be "electrolytic".
9918	8553	3	Delete comma after "department". Next word "miner" should be "less".
9919	"	4	"miner important," should be "minor importance,".
9920	"	5	"this processing" should be "these processing".
9921	"	12	Third word "sections," should be "parts,".
9922	"	13	Change "half way," to "semi-finished,".
9923	"	14	Insert "were" after "alloys".
9924	8554	11	Delete "half ware and".
9925	8555	1-2	Change "withstand one" to "hold up if".
9926	"	12	Second word "at" should be "for".
9927	8556	25	Delete comma after "wheels". Also after "aircraft".
9928	"	26	"and tanks," should be "in tanks,".
9929	"	28	"single" should be "signal".
9930	8557	8	Delete "they" after "products".
9931	"	30	"licenses" should be "licensees,".
9932	8558	29	Add "(Editor's Note: See page 8559, line 21.)" after "1870.".
9933	8559	1	"1939-39-40." should be "1938-39-40.".
9934	"	2	Insert "according" after "whether" and "of" after "knowledge".
9935	"	3	Delete "— or whether".
9936	"	12	"of importance," should be "of such importance, as".
9937	"	17	Insert "to" before last word "licensees,".
9938	"	19	Change "and the detailed" to "answered detailed".
9939	"	26	"these records show?" should be "they were shown?"

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9940	8559	30	"works for the Works Sued, Works Nord;" should be "Works Sued and Nord;".
9941	8560	1	"with" should be "the" before "liconsees".
9942	"	2	First word "Blue" should be "Die".
9943	8561	6	Change line 6 to read "d'Ugine and Compagnie des Produits Chimiques et Electrometallurgiques,".
9944	"	7	"Froges and Camargue" should be "Froges at Camargue".
9945	"	22	Insert "other activities after" before "the construction".
9946	"	24	Insert "that is," before last word "an".
9947	"	25	Place comma after "foundry". "of Birmetals," should be "at Birmetals,".
9948	8563	6	"How do you" should be "Now, do you".
9949	"	30	"it be replaced by" should be "it replace".
9950	8564	4	"Adeershof" should be "Ailershof,".
9951	8565	3	Place quotation marks before "the needs".
9952	8566	5	"ordol," should be "Arado,".
9953	"	6	Place quotation marks after last word "percent."
9954	"	9	"ask you" should be "asked you".
9955	"	23	"Dr. Altwecker" should be "Dr. Altwicker" (twice).
9956	8567	4	Place comma after "extrusions". Change comma to period after "take it" and begin new sentence with "Is that".
9957	"	27	"In Bitterfold." should be "From Bitterfold."
9958	8570	31	Last two words are "I cannot".
9959	8575	16	"What of" should be "What is".
9960	8576	13	First word "actant" should be "agent".
9961	8577	14	"mixing plants" should be "mixing plants." Insert "was" after "Apparatus".
9962	"	19	Change "the year of 1938," to read "August 1938,".
9963	8578	4	Change "plant ward." to "plant Nord."
9964	"	9	"8,000 marks," should be "80,000 marks,".
9965	"	26	Change period to comma after "was asked". Last word "Mainly" should be "since".

Item No.	Transcript Page	Line(s)	PROPOSED-CORRECTION
9967	8578	27	Insert "new" after second word "were".
9968	8579	5	"four illuminating" should be "for illuminating".
9969	"	16	Insert "west of a certain geographical line - Stettin, Berlin, Munich -" after "magnesium powder".
9970	"	24,25	"HY-41" should be "Bi-IV/1".
9971	"	28	Insert "as" before "porcelain."
9972	"	32	"plant ward" should be "plant Nord".
9973	8580	3	Delete "from it."
9974	"	3 & ff.	"HY-41" should be "Bi-IV/1".
9975	"	4	"incendiaries, for bombs." should be "fuses, fuses for incendiary bombs."
9976	"	6-7	Change from "here from" in line 6 through line 7 to read "here from you to the Aviation Ministry, from September 1938 and March 1939, wherein you sent the requested data for the construction of a grinding".
9977	"	15	Place semi-colon after "substance" and change the rest of the line to read "it was merely a dust explosion, the same as coal dust- or sugar-dust explosions."
9978	8581	21	"the men knew" should be "the affiant knew".
9979	"	23	"that was not" should be "it was not".
9980	8582	1	Change "Aufsichtsrat," to "Vertrauensrat,".
9981	"	21	"came by the name of Pieter and it" should read "came by the name of Pieter".
9982	"	26	"at Pieter." should be "of Pieter."
9983	8584	10	"political vues" should be "political views." Place quotation marks after same word "views."
9984	8586	17	"handing of" should be "hanging of".
9985	8587	1	Delete "taken away. Everything else would be".
9986	8588	5	Delete comma after "Plant".
9987	"	17	Delete "from" after "find out".
9988	"	26	"1694," should be "1964,".
9989	8592	23	Last word "were" should be "was".
9990	"	24	Change "plant." to "Gefolgschaftsabteilung."
9991	8594	12	Insert "and" after "installation".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9992	8596	14	Change "plant," to "workers' camps,".
9993	"	19	"Working security" should be "work guards".
9994	8597	20	Change last words "care for" to "food of".
9995	"	22, 26.	"Dehnake," should be "Oehmke,".
9996	8599	2	First word "occupation," should be "organization."
9997	"	3	Add "and" after last word "match".
9998	8601	3	"Book No. 10" should be "Book No. VI".
9999	8603	11	"our staff some of them" should be "some of our staff".
10000	"	14	"But virtue" should be "But by virtue".
10001	8608	14	"From Grahne" should be "From Grandchoney".
10002	8609	17	Delete "then," after "chart,".
10003	"	18	Insert "then" before "one would".
10004	8610	18	"considered" should be "considers".
10005	"	20	"this organic" should be "the organic".
10006	"	22	"I operated" should be "I compare". Last word "mentioned" should be "introduced".
10007	"	23	Change line 23 to read "as a document, Sparte I and Sparte II — then I must say that the Sparte were no doubt the basic".
10008	"	25	Change "that Sparte" to "but actually Sparte".
10009	8611	5	Delete comma after "therefore". Next word "and" should be "an".
10010	"	6	"products, and also its" should be "production, and also of its".
10011	8612	22	Last words "is the" should be "are the".
10012	8613	11	Place quotation marks after second word "price."
10013	"	12	Delete quotation marks after "Farben."
10014	8614	4	Add "men" after last word "technical".
10015	8615	18-19	"interessted" should be "interest".
10016	8616	14	Change "three tables" to "two tables".
10017	"	19, 23	"Keler," should be "Keller,".
10018	8617	6	"of illustration" should be "of an illustration and".
10019	"	27	"facilities." should be "plants."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10020	8618	6	"Emil Wuerth." should be "Emil Wirth."
10021	"	7	"a cost price" should be "the cost price".
10022	"	15	Insert "production" before last word "the".
10023	"	19	Insert "table" before "is interesting".
10024	"	19-20	Insert after line 19 and before line 20 the following "it shows that Farben's share in the fuel production decreased constantly, until in 1943 it dropped to 21.5 %. And table 3a is interesting because".
10025	"	30	Insert "was as" before last word "compared".
10026	8620	15	"department to check efficiency" should be "Department for Testing Practicability".
10027	"	16	"Experiments" should be "Experiences".
10028	"	25	"Farben for the" should be "Farben, that is of the".
10029	"	29	"and for this" should be "and for these". Also "this planning." should be "the planning."
10030	8621	3	Change line 3 to read "We solved this problem technically by not considering the production price but only the".
10031	"	10	"but purely" should be "through purely". Change comma to semi-colon at end of line.
10032	8622	7	"or in the" should be "or only".
10033	"	15	Change first word "operation" to "separation".
10034	8623	26, 27	"hydrogen," should be "nitrogen,".
10035	8624	31	First word "adopted" should be "adapted".
10036	8625	1	Place period after "them". Begin new sentence with "This assumed".
10037	"	22	Change "shortages of raw material." to read "quantities of raw material running through it."
10038	"	24	Change "production per year" to read "products to be moved per year".
10039	8629		Pagination: Page numbered 8628, beginning "If counsel for both sides", should be renumbered "8629".
10040	"	26	"resource" should be "research".
10041	"	28	"Dr. Herald" should be "Dr. Herold".
10042	"	31	Add "in Leuna" after last word "colleges".
10043	8630	11	Insert "marks per year" after "million".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10044	8630	19	Change "A piston" to read "An alembic".
10045	"	21	"that is" should be "which is".
10046	8635	25	Place period after "opinion". Begin new sentence with "Especially". Change period to comma after "1938" and continue sentence with "we".
10047	8637	5 & ff.	"Brabao" should be "Brabag".
10048	"	7	"and that which" should be "and which".
10049	"	27	Add "(Fuehrer des Betriebes)?" after "enterprise".
10050	8640	2	"Number 40." should be "Number 39." Add sentence "And Buetefisch document No. 257, which is an affidavit of Friedrich Schwoerer, will become Exhibit No. 40." after line 2.
10051	"	20	"Morgen." should be "Gen. Morgan."
10052	"	21	Change "that" to dash after "stated".
10053	8641	19	Change "how strong — how far" to read "how large the consumption was and the last column shows how far".
10054	"	24	Insert "for the consumption in Germany" after "Farben alone".
10055	8643	3-4	"that the countries" should be "that the European countries".
10056	"	4-5	"from 1934 on." should be "in 1934 and 1935."
10057	"	26-27	Change period to comma after "most" in line 26 and continue sentence with "whether from ..." in line 27.
10058	8644	10	Change "23,000" to "20,000" (in line 10 only).
10059	"	13	Delete "nitrogen" after "246,000".
10060	"	19	Add "followed." after "Holland".
10061	8645	25	"celluloid," should be "cellulose".
10062	8646	4	"we just produced" should be "we produced little".
10063	"	20	"5,000 tons of nitrogen" should be "2,600 tons of nitrogen".
10064	8647	3	Change first words "which which" to "and from this".
10065	"	4	"increase demanded." should be "increased demand."
10066	"	8	Insert "to page 81?" after "Tribunal".
10067	"	9	"raising" should be "rising".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10068	8647	11	"contratual" should be "contractual".
10069	8650	12, 14	"tolune" or "tuoleno" should be "toluene".
10070	8651	6-8	Change from "Krauch," in line 6 through "collaborators" in line 8 to read "Krauch, and it was carried out in the Oppau laboratories by Dr. Pier. We and I, myself, were collaborators".
10071	"	14	"after the successor" should be "and as the successor".
10072	8652	4	Add "more" after last word "containing".
10073	"	6	"there, how" should be "is how".
10074	8653	3	Change "mineral oils word" to read "petroleum was".
10075	"	4	Second word "them" should be "it".
10076	"	15	"Igloff," should be "Egloff,".
10077	8654	28	First word "if," should be "it,".
10078	8656	11	Insert "only" after "involve".
10079	8657	6	"of hydrocarbons for oil" should be "of heavy hydrocarbons for light oil."
10080	"	15	Change comma to period after "men". Delete next word "because" and begin new sentence with "Here".
10081	8658	5	Delete last word "of".
10082	"	19	Place comma after "circle" and insert "and the refineries with a circle," after same word.
10083	"	21	Last word "was" should be "were".
10084	8659	23	Add "Under the headline "Accounting of costs for importing gasoline." after "affidavit."
10085	8660	13	"Wuerth." should be "Wirth."
10086	8661	23	Place dash after "columns".
10087	8662	13	Last words "on account of" should be "due to".
10088	8663	16	"suffesting" should be "requesting".
10089	"	17	Insert "this" before last word "with".
10090	"	18	Place period after "submitted". Delete next word "that" and begin new sentence with "During".
10091	8665	1	Delete "you and Gattineau". Insert "from Gattineau" after "order".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10092	8665	18	Place quotation marks before "Oh, yes,".
10093	"	28	Third word "you" should be "we". Place period after "acetylene" and delete "and all sorts of things."
10094	8666	3	Place quotation marks before "it does not".
10095	8667	1	Change period to comma and add "as I described it." after "Yes".
10096	"	13-14	Change from "worries" in line 13 through "That is," in line 14 to read as follows: worries. The expenses should be lower than the "cif" price plus the duty. That is,
10097	"	28	Insert "guarantee" after "similar".
10098	"	31	Change "petroleum" to "coking".
10099	8668	2	"cost prices" should be: "cif" prices.
10100	8669	8	Place period after "Britain" and delete "even Italy." "that they approached" should be "that Italy approached".
10101	"	9	Delete "also;" after "Company". Change comma to semi-colon after "France also".
10102	8670	18	Change "Dr. Bustefisch," to "Your Honors,".
10103	"	25	"416 million" should be "116 million".
10104	"	31	"it contradicted" should be "it contradicts".
10105	8672	5	"ammonia plant," should be "Ammoniakwerk,".
10106	"	31	"89," should be "98,".
10107	8674	14	Insert "Book" after "Document".
10108	"	15	"Roche-Sarkenfels," should be "Roche-Starkonfels,".
10109	8675	1	"Wuerth," should be "Wirth,".
10110	"	15	Last word "your" should be "our".
10111	"	17	Change "duty association" to "compulsory syndicate".
10112	"	21	Change first word "and" to "since".
10113	"	23, 25	"association" should be "syndicate".
10114	8676	3-4	Change "duty association, - this compulsory association" to read "compulsory syndicate".
10115	"	11	"association" should be "syndicate".
10116	8677	4	Change comma to period after "Vorstand". Begin new sentence with "Since". Also change period to comma and add "I entered the Brabag." after "field".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10117	8678	29	Insert "waste" after "heavy".
10118	"	30-31	Change lines 30 & 31 to read "chemical problem, in a certain sense a parting with the coal by using not only coal for processing but also petroleum products which are difficult to utilize."
10119	"	30	Delete "to" before last word "the".
10120	8680	4	"2.7 million" should be "7.2 million".
10121	"	5	"in time" should be "in Zeits".
10122	"	28	Change "lubricating" to "heating".
10123	8682	9	Change "statement" to "position".
10124	8683	4	Line 4 should read "Braunkohlenkraftstoff, A.G., at Wesseling."
10125	"	27	Insert "was small." after "as such". Begin new sentence with "The".
10126	"	28	Delete "that was".
10127	"	29	Change semi-colon to period after "Company". "that was" should be "There was".
10128	"	30	Insert "which" after "firm".
10129	"	31	Insert "but" before first word "in".
10130	8684	17	Change "Iso-butyl gasoline" to "gasolines suitable for aviation".
10131	8685	6	Insert "aviation" after "amounts of".
10132	8686	6	"devicatives" should be "derivatives".
10133	"	8	Change comma to period after last word "better".
10134	"	9	"but of course," should be "At that time,".
10135	"	11	Change "small quantities." to "samples to the entire requirements."
10136	"	32	Change line 32 to read "and this high anti-knock tetraethyl lead was of".
10137	8687	12	"this part" should be "the Sparte".
10138	"	16	"and from cracking" should be "of cracking".
10139	"	17	Insert "hydrogenium and" after second word "from".
10140	"	29	Last word "was" should be "were".
10141	8688	4-5	Change from "occurred" in line 4 through "ter Meer" in line 5 to read "is perhaps in the Buna field where to introduce a process of four stages in America as Dr. ter Meer".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10142	8688	26	Insert "into iso-octane" after "iso-butyle".
10143	"	30	Change "with our contract" to read "through contact with us".
10144	8690	3	Change "we only achieved" to read "according to our experiences with Leuna gasoline, it would be impossible to gain".
10145	"	9	"shaded" should be "dotted".
10146	"	12	Delete "was" after "efficiency".
10147	8692	4	"were built" should be "be built".
10148	"	11	"the subsidiary" should be "the German subsidiary".
10149	8693	5	"gasification field." should be "heavy oils field."
10150	"	7	Delete "I myself".
10151	8696	17	Insert "because they were secret plans" before first word "and".

Muernberg, 10 May 1948.
Date

By D. A. Sprecher
for TELFORD TAYLOR,
Brig. Gen. U.S.A.

By Dr. Rudolf Dix
for DEFENSE COUNSEL, CASE VI.

1947

18 Dec. 47 JP-1-2-1-Patty (Int. Rarler)
Court VI Case VI

Official Transcript of the American Military
Tribunal No. VI in the matter of the United
States of America against Carl Krauch, et al,
defendants, sitting at Nurnberg, Germany, on
18 December 1947, 0930-1630, Justice Shake
presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal No. VI is now in session. God save the United States of
America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, you may make your report.

THE MARSHAL: May it please your Honors, all defendants are present
in the courtroom.

THE PRESIDENT: The sessions of today and tomorrow in accordance
with the prior announcement of the Tribunal will be devoted to the hearing
of the opening statements of Counsel for the defendants. In view of the
limitations of time that are placed upon Counsel for this purpose, the
Tribunal respectfully requests that there be no interruptions of matters
unless they be of extreme emergency. We desire to accord to Counsel the
full complement of time contemplated by the rules for their opening
statements.

The Tribunal is now ready to hear the opening statements of Counsel
for the defendants.

DR. BOETTCHER: Dr. Boettcher, Counsel for the defendant Dr. Krauch
Your Honors:

"At the very outset the defense will have to decide upon the difficult
question of whether its plea ought to be adjusted to the truly mammothlike
dimensions of the indictment: Will it have to follow the lines of the
indictment with its exaggerations made for sensational purposes, or ought it
to follow strictly impersonal, maybe even sober lines? I have, with due con-
sideration of the character and the wishes of Dr. Krauch, decided upon taking
the latter course and may consider myself very fortunate, as a defense
counsel, in having to defend a client whose attitude is in conformity with
my own feelings. I have, therefore, chosen a way of stating the evidence,

4711 Second Joint Motion of the
Pros. and Defense to correct
the Engl. Trans. Case 6
from Page 4711 thru 8696
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in this case which, in its character, tenor and size, restricts itself to the absolutely essential, deliberately avoiding all possibilities of creating a sensation.

In his opening statement General Taylor put special emphasis on the accusation made by the indictment, according to which the defendant Dr. Krauch was among those who bear the greater part of the responsibility for the fact that humanity was visited with the most destructive and catastrophic war history has ever known. He has accused him of mass enslavements, wholesale plunder and mass-murder. My presentation of evidence will aim at disproving these terrible accusations in every respect. I shall show in detail that, instead of being an ambitious and ruthless industrial magnate, Dr. Krauch is an honorable, Christian, simple man, a research-worker and scientist conscious of his responsibilities, who never committed a punishable offense but devoted his whole life to technical and scientific progress and this not only for the advantage of Germany but also for that of other countries, not least to that of the United States of America. Under count 19 the indictment states the following: "The IG synchronized its whole activity with the military planning of the German High Command." It also specially refers to the "Vernittlungsstelle W" and in connection with this to the activities of the defendant Dr. Krauch. It further states that: "The IG collaborated in the drawing up of the Four Year Plan and took part in directing the economic mobilization of Germany for the war." Contrary to this my own thesis is that the activities described in count 19 of the indictment, especially that of the defendant Krauch, in the "Vernittlungsstelle W" and participation in the Four Year Plan cannot be called an activity or preparation for an aggressive war and also not collaboration in conducting a war of aggression. I shall produce evidence for this thesis by questioning the defendant Krauch, whom I shall call to the witness-stand for this purpose.

I shall make it a special point in my argumentation to describe the attitude of the defendant Krauch towards the official authorities of the

National Socialist government in 1933, as well as the development of his activities, and for this purpose, I shall make use of the defendant's own statements and other evidence. It will be seen that establishing contact with the official authorities of the National Socialist government was nothing out of the ordinary, as the IG had made it a habit, already before 1933, to maintain connections with the government as, on the one hand, the IG was interested in being kept informed of the trend of the economic policy of the government, and, on the other hand, each government office had an interest in being kept informed about the economic position of an enterprise such as the IG. However, these contacts were not established by Dr. Krauch, due to some political motive or other, but because Dr. Krauch was an internationally recognized authority in the field of hydrates, nitrates and baux, etc. The beginning of his preparatory work, his knowledge and his international connections date back to 20 years before 1933. The evidence will prove that Krauch was always guided in his actions by the desire to avoid, by clever economic guidance a repetition of the economic events of the years between 1929 and 1933 which proved so disastrous to the working classes. Therefore, he welcomed the economic boom which was caused in the year 1933 by the employment program of the new government. That this employment program served, to a degree, purposes of armament and rearmament of Germany will not be disputed here. The evidence will, however, solidify its point of view that such knowledge cannot be proved to be identical with the intention of starting a war, and certainly not with that of starting a war of aggression. One will also have to consider his joining the Raw Material and Foreign-Exchange Staff in 1936 and, later on, the Four Year Plan, from the same point of view. I shall treat this evidence from subjective and objective points of views of considering the person Dr. Krauch, and I shall group my evidence as follows:

- 1) Evidence of facts that Krauch had no knowledge of any intentions of aggression and that he could not have such knowledge since he didn't belong to the close circle of Hitler in the sense of the IMT Judgment:

2) Evidence of facts from which it becomes apparent that Germany as far as Dr. Krauch could have inside knowledge was not at all prepared for an aggressive war;

3) Evidence of individual facts from which it becomes apparent that Dr. Krauch considering the way matters stood could not even if he did want to prepare Germany for an aggressive war;

4) Clarification of the Four Year Plan in order to show that this Plan did not constitute a plan for the preparation and waging of aggressive wars, but that in addition to rearmament it concerned itself to a considerable extent with the so-called civilian sector.

In this connection Dr. Krauch's position as General Plenipotentiary Chemistry within the Four Year Plan will have to be clarified, a matter which the prosecution has completely neglected to date. The prosecution calls Dr. Krauch the right hand of Goering. However, Krauch was in charge only - and to prove this I shall put a table of organization of the Four Year Plan before you of one of 20 offices of the Four Year Plan which were coordinated and co-existent. I do not suppose that I will be expected to produce counter-evidence proving that Goering was not a man who had more than 20 right hands. In accordance with the predilection for bombastic titles inherent in Nazi-ideology, Krauch was given the title of Plenipotentiary general for special questions of chemistry, but the evidence will prove that, in spite of this title, he had no part in the exercise of any rights or authority. He was a superior general expert of high standing, but not even this in the whole field of chemistry but only for some special fields in which he had been known for decades for his expert knowledge. However, all that an expert has to do is to pass on the suggestions made by others; as shall be proved by the evidence, others had to make the decisions and regulations.

As far as the close connection is concerned which, according to the indictment existed between the IG and the activities of Dr. Krauch in the Reich Amt fuer "Wirtschaftsausbau", (Economic Development) in the Four Year

Plan, I shall prove that Dr. Krauch's activities for the Reich Office for Economic Development and as General Plenipotentiary Chemistry were strictly defined from those of the IG. Even for reasons of personal integrity Krauch stuck to complete neutrality in his official actions towards the IG. This is emphasized by the fact that, from 1936 Krauch was only a passive and no longer an active member of the Vorstand. Nor did he exercise his function as chairman of the Aufsichtsrat after Spring 1940, but always left it to his deputy.

If Krauch was prepared to collaborate with the State, he certainly neither did this out of ambition, nor out of a desire for recognition, nor for the sake of honors and titles, but out of a feeling of personal responsibility towards industry and urged on by a man who was anything but a friend of the National Socialists, i.e., the outstanding scientist, Carl Bosch, who was, at that time, chairman of the "Aufsichtsrat" of the IG. Being aware of well-known conditions in other countries, where proved and experienced industrial leaders had also put their services at the disposal of the authorities for certain purposes, - they are known to history as a "dollar-a-year men" helped him to make up his mind when he took over the duties of an advisor for the Four Year Plan. Giving a description of these facts and his reasons for taking over this work in the Raw Material and Foreign Exchange Staff of the Four Year Plan will be the focal point in my presentation of evidence, since this shows that not an ambition for power, not power motives influenced Krauch but that according to Carl Bosch's own words it was the aim of "rescuing science from Hitler" and keeping away party men who influenced economy in a sense that did not correspond to reasonable economic aims.

I will then express my opinion with regard to Count II and show that Dr. Krauch

- (1) neither in his position as director of the Reich Office for Economic Organization nor as Plenipotentiary General for special questions of chemical production participated in the actions dealt

with there and termed criminal by the Prosecution;

(2) And that the same also applies to him as a member of the Farben Administration. I must in this connection mention again that Dr. Krauch as of 1936 materially no longer was a member of the Vorstand and that he in a material sense no longer exercised a function as chairman of the Aufsichtsrat.

Moreover, I shall show that he, on the contrary, actively interceded on behalf of the protection of the economy of the occupied countries. I only cite two illustrations which will be dealt with during the presentation of evidence. This is the protection of the nitrogen industries of Belgium, Northern France and Holland from the dismantling intended by the authorities and the prevention of the desertation of the large scientific laboratory which belonged to the Shell concern in Amsterdam. In both cases Dr. Krauch successfully resisted with all his might measures of which he disapproved and which might have been designated as robbery and spoliation.

As part of my further presentation of evidence I shall offer my opinion with respect to the question of employing foreign labor and concentration camp inmates showing that Dr. FRAUCH has no criminal responsibility whatever. I have already stated that an essential point of my presentation of evidence will be to put the competence and authority of Dr. KRAUCH back on their proper level as against the assertions of the Prosecution, to wit: that he was a scientific expert of the government for special questions of chemical production under the Four-Year-Plan. During his activity as Plenipotentiary General for Chemistry Dr. KRAUCH, however, never possessed powers and authority for the recruiting, allocation and assignment of workers.

It will be the aim of the presentation of evidence to clarify Dr. KRAUCH's function in this connection: Also here it was his job to submit his expert opinion on the numbers and quotas of workers which were requisitioned by other offices as being necessary for certain building projects, he had to give his opinion on the assignment of workers - but never to assign them himself - in agreement with different degrees of urgency fixed by authorities superior to him; exactly the same way as he had to give his opinion on which material, what kind of material, which building method, etc., were necessary and appropriate. The question of the allocation of labor itself was the concern of the labor allocation authorities. If he, in addition as evidence will show, instituted social care for the workers employed in the large building projects, in which he acted as adviser, then he did so, as I shall prove in my presentation of evidence, for humanitarian and humane reasons, because, under the pressure of the steadily increasing economic difficulties of the year, he was approached with manifold worries, in particular with accommodation, feeding and clothing of the workers employed in the building projects approved by him.

Therefore, Dr. Krauch regarded it as his duty to intervene certainly also for economic reasons, above all, however, for purely humane reasons and to organize an interchange of experience. This care will, therefore, constitute a further point of my presentation of evidence.

The employment of workers under coercion also plays a great part in the presentation of evidence by the Prosecution. I shall show that Krauch clearly recognized this problem. On the basis of his own human development he was against such employment under coercion since he, as a scientist upheld only the ethics of voluntary labor. He advocated this principle in every possible way. Based on experiences 20 years ago during the reconstruction of the destroyed Farben Plant at Oppau he, therefore, at an earlier date introduced voluntary work by way of a voluntary employment of the workers of whole firms, the so-called firm allocation. As my presentation of evidence will show, Dr. Krauch also continued to pursue this theory when the program of the Plenipotentiary General for Labor Allocation for recruiting workers under coercion was started. The presentation of evidence will show that Dr. Krauch even after this date successfully continued the so-called "Firm Allocation" against the tendency of official authorities. In this connection I shall be able to prove that Dr. Krauch in no way participated in the establishment of the laws for this compulsory labor allocation program nor in the enforcement of these laws. With regard to all these questions he was, because of his position, on a medium level which had nothing whatever to do with such fundamental decisions as making suggestions on the one hand or giving orders on the other.

Dr. Hallat, DIX, Attorney-at-Law, deals with general questions of labor allocation. In order to avoid overlapping and to shorten the proceedings I shall not deal with these general questions, unless, I should have to add something in particular for the defense of my client after the presentation of evidence by Dr. Hallmuth DIX.

In one last point I shall show that Dr. Krauch used his very position as Plenipotentiary General for Chemistry to prevent measures that were not reconcilable with his conscience and has been adopted by National Socialist offices against Jews, scientists, church and scientists institutions.

I shall have a case described here, were Dr. Krauch successfully intervened when he heard of abuse occurring in the Care of concentration camp inmates - outside of Fribourg, as I wish to emphasize - further, his assistance to Russian scientists who had fled from the Ukraine and for whom his measures not only saved bare life but also their intellectual standing.

Summarizing the subject of my presentation of evidence is:

The indictment has been drowned in a sea of facts. Behind the facts is the man, and it is the grave factual charge that it has forgotten the man in these proceedings which I have to raise against the Prosecution which proceedings, as it asserts, have been initiated for the sake of humanity. It is the difficult but also pleasant task of the Defense to draw the picture of the man Krauch and to prove the following: Krauch is not a man of the selfish, inconsiderate and unscrupulous oppressive war, no robber and no plunderer, no cold-hearted slave dealer and no slave driver. The formulations and appeals which the Prosecution chooses may be effective for political propaganda but they have nothing to do with the establishment of criminal facts. As has already been stressed, I shall in short but essential strokes present a picture for the presentation of evidence, whereby the Tribunal will certainly realize in view of the gravity of the task that I cannot forgo the minute details.

I do not wish to conclude this opening without recalling the moment which, in Dr. Krauch's and my own opinion, was the most touching one in the course of the sessions up to now, when Dr. Keller on the occasion of the interrogation of the witness Spielvogel expressed the deepest human regret for all the sufferings to which innocent people had to submit during the twelve years.

Dr. Krauch and I myself have deeply taken these words to heart and the surer we rely on the result of our presentation of evidence,

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the more are we in a position to conclude this first opening statement in the Perben case with the words, "In reverence we bow to the unfortunate victims of these unhappy twelve years."

DR. DIX (Counsel for defendant Schmitz):

Your Honors:

So-called Trials of War Criminals have taken place before -- after the First World War, before the German Supreme Court. An English lawyer by the name of Claud Mullius attended these trials as an observer. In 1921, he wrote a treatise on them, entitled: "The Leipzig Trials". I quote from this treatise:

"The War Criminals' Trials were demanded by an angry public rather than by statesmen or the fighting services. Had the public opinion of 1919 had its way, the trials might have presented a grim spectacle of which future generations would be ashamed. But, thanks to the statesmen and the lawyers, a public yearning for revenge was converted into a real demonstration of the majesty of right and the power of law."

Today, the danger of passion and prejudice trying to dim the eye of the judge in its search for truth and justice, is greater still. Too horrible things have been done! Too much has human dignity been insulted. The natural and justifiable outcry of human dignity insulted, however, is joined by its ugly companions, such as the calumniator who tries to stir up the troubled waters of passion; the man politically, criminally or morally incriminated who tries to shift his guilt on to the shoulders of others and is on the look-out for scapegoats; the political opportunist who is not concerned with truth and justice, not with the welfare of humankind and his own country but who is only concerned with his political objective, no matter by what means he thinks he can

attain it, even if these means do violence to the legal heritage of his fellow-men. These ugly companions are further joined by one of the strongest and most dangerous powers, i.e. prejudice. All these powers, inimical to the light of truth, are sources of public opinion. It is not only infallible, but it is, in a given case, a very dangerous and ruthless dictator. This dictator can not only destroy the independent administration of justice but, as we have learned, whole democracies. Democratic Germany of the Weimar Republic was destroyed by the ballot-paper of an electoral system that was democratic to the core. Up to the 30th of January 1933, elections were undoubtedly free. Misguided public opinion is thus a sinister dictator, and it is one of the foremost and most important tasks of independent justice, also from the point of view of national policy, to stop this poisoning of wells in order to find the straight path of truth which leads to justice.

Your Honors, you have been called upon to pronounce judgment in the greatest economic trial of all times, and at a time when the character picture of the defendants, distorted by partisan feelings of love or hatred is vacillating in History's flickering light. The prayer is offered from the bottom of our hearts that Heaven may bless your verdict.

I appear in this trial of the members of the Farben Vorstand for their primus inter pares, the chairman of the Farben Vorstand, S c h m i t z.

As the previous speaker has announced, defense counsel have split up the defense material in a number of different subject-matters, each to be taken over by different counsel, without, however, depriving individual counsel of his right to add, as his duty may direct him, material of his own in the course of the presentation of the proof. Right at the start, I would like to make an observation concerning the

subject of the so-called rebuttal, that is to say, the proof of the Defense: This rebuttal logically presupposes at least a conclusive proof on the part of the Prosecution. This conclusive and incriminating evidence has, in my opinion, not been established by the Prosecution with regard to any of the counts of the Indictment. What may have been established by the Prosecution, though only as *prima facie* evidence, does not justify the charge of criminally relevant culpable activity of the defendants. Of the Prosecution's proof must be said: *multa non multa*. The charges can therefore, at the present stage of the proceedings, already be dismissed by the verdict of not guilty. The so-called rebuttal of the Defense therefore is operating in the vacuum of a not-conclusively substantiated evidence on the part of the Prosecution. Therefore, the rebuttal of the Defense, considered abstractly and from a more ideational point of view, is not only superfluous, but also unnecessary as a matter of principle. The Defense presents this proof only, as it were, *diligentiam praestantis causa*.

If the London Charter and Control Council Law No. 10 are correctly interpreted, Prosecution has failed to bring forward any evidence to the effect that the activities or non-activities of my client had a causal nexus with facts that are punishable *per se*. Culpable causation means that his acting or omission would have violated a moral duty by whose fulfillment he could have avoided or removed wrong. Right at the start I would like to make an observation concerning the subject of the so-called rebuttal, that is to say, the proof of the Defense. This rebuttal presupposes at least a conclusive proof on the part of the Prosecution shown by the political and social set-up of the Third Reich; that

is the boundless despotism of one single individual and his closest henchmen, and this fact deprived him of the possibility of doing what the Prosecution required him to do. This fact is the terror that prevailed in the Third Reich which increased as the years went by. I shall try in my proof-in-chief as well as in any further examination of witnesses to make this terror stand out in as bold relief as possible for the benefit of the Court.

Furthermore, my main task in the framework of this division of labor and subjects between the various defense counsel will be to establish the evidence that this indictment is built upon a wrong historical conception about the ideological and, thereby, also political attitude of the social and professional stratum to which the defendant Schmitz belonged, i. e., German industry, the leaders of German large scale industrial enterprise.

General Taylor in his Opening Statements, with respect to the two current industrial trials, has stated the following: I quote from the Flick trial:

"Krupp, Flick, Thyssen, and a few others swayed the industrial group; Beck, von Fritsch, Rundstedt, and other martial exemplars ruled the military clique. On the shoulders of these groups Hitler rode to power, and from power to conquest."

"Hitler was, to be sure, the focus of ultimate authority, but Hitler derived his power from the support of other influential men and groups, who agreed with his basic ideas and objectives."

It is evident that these statements of the General's were aimed at the industrialists. I continue the General's quotation:

"Unless Jewish, the business man and the officer lived comfortably and flourished under Hitler. The Third Reich dictatorship was based on this unholy trinity of Nazism, militarism, and economic imperialism."

"The small group of coal and steel kings had in their hands great power to mould German economic structure, and to influence German policies and the German way of life. We will see in this and other cases how they utilized that power."

The same ideas occurred in the General's Opening Statement in this trial. I quote:

"The charge is made that the defendants, together with other industrialists, played an important part in establishing the dictatorship of the Third Reich."

"The objective of the defendants was conquests. The origins of the crimes with which the defendants are charged may be traced back over many decades, but for present purposes their genesis is in 1932, when Hitler had established himself as a major political figure in Germany, but before his seizure of power

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and the advent of the Third Reich. Subsection A of Count One of the indictment charges that the defendants, together with other industrialists, played an important part in establishing the dictatorship of the Third Reich." When we charge an alliance between the defendants and Hitler and the Nazi party etc." Hitler and his party followers would never have been able to seize and consolidate their power in Germany, and the Third Reich would never have dared to plunge the world into war." Forben's devotion to the National Socialist Party and the Third Reich remained unshaken.

The attitude which is revealed in these and other statements is wrong, though understandable in a man who never lived in the Third Reich and bases his opinion, certainly in an honest attempt to find the truth, partly on uninformed, prejudiced information from emigrants, conceding to them, though, their moral justification for nursing such a prejudice. A client of mine of an uncommonly high standard of character and intelligence, the former editor-in-chief of the "Berliner Tageblatt", Theodor Wolff, whom I looked up in Switzerland in the first days of his emigration, stated to me that, though he would do some writing in the emigration, he would never make the political conditions in Germany the subject of his literary activities, "Because an emigrant for natural reasons and as it were by the will of God is about the worst-qualified to judge of home affairs." These words then made a deep impression upon me and experience has corroborated them. The General, furthermore, must base his judgment on a rather ill-intentioned source of knowledge, namely on a not inconsiderable part of German writers after the collapse, when, with many of them, to say the least, an enormous "ressentiment" forms the leitmotif.

I commented upon this erroneous attitude in my closing statement in the first industrialists' trial, the Flick trial, and I would like not only to repeat it, but also establish its truth in my proof.

Hitler owes his rise to the fact that the trade unions which, in 1920, on the occasion of the Kapp-Putsch, defeated by a general strike this movement though by them to be reactionary, had been ground down in 1933 by years of unemployment because they had no more behind them the masses who had lost their belief in the trade unions. Six millions of unemployed had been crowding the streets, some of them for years, and the trade unions, which for decades had promised them the socialist heaven, were unable to help them. Then there arose from the ranks of the proletariat the "Savior" who promised them salvation, salvation from misery and all these masses of the lower-middle class and the proletariat followed this rat catcher from Hamelin. Where did the number of votes he received come from?

I shall interrupt here for a minute because I think there is a mistake in the translation.

At this juncture of my closing statement in the Flick trial—I repeat, I refer to the testimony of the witness Krueger—he described very vividly in cross-examination how horrified he was when, after the seizure of power, he suddenly saw rows of thousands of swastika flags fluttering in the wind in the so-called lower-middle class and working class neighborhoods.

And so I continued in the Flick plea:

It is the masses that carried Hitler, not the elite, using this expression here in a sociological sense. And will you please not impute to me any snobbistic or socially presumptuous motives for choosing this expression which is just a technical term. (In the United States, I think, the expression 'intelligentsia' is used, to a great extent.) The elite, however, is powerless without the masses. Today the legend is spread as if the whole of the former electorate of Social-Democrats and Communists had been in opposition to National-Socialism. How mistaken, how untrue this assertion is, is shown from the votes cast at the Reichstag elections. All these facts have been distorted by a maze of myths which today have already assumed the nature of incontestable facts and have become the basis of so-called philosophies."

Your Honors, your lofty task in the Farben trial is to separate the facts from these myths. I do not in the least accuse these stultified masses. What I fight against is the attempt to unjustly try and find a scapegoat. This attitude approved by me and which the prosecution has made its own, has in my firm opinion not only caused the Prosecution to present these charges against the great industrialists, but it also is the main obstacle to the recognition of truth and, thereby, one of the main proofs for the innocence of these industrial researches and industrial businessmen in the dock.

In order to remove this fundamental historical error, proof must be adduced before this Tribunal that there can be no question of the leading figures of industry as such - exceptions prove the rule - and especially the leading men of Farben, representing the prototype of the Nazis, and that there can be no question of an alliance between them and Hitler with the aim of bringing Hitler and his brown battalions to power and of participating in this power, and, with the help of this power, then subjugating and enslaving first the masses of the German people and then the rest of the world through force and war. There can be no doubt that this matter is of relevancy not only with regard to Count One, but with regard to nearly all charges of the indictment. It is indeed the basic matter.

It was inherent in the nature of the Nuremberg trials that the Defense often, and even predominantly, could only work with witnesses who to a certain degree were witnesses on their own behalf because they had "belonged to it." I shall try - I hope it will be technically possible - to bring in witnesses who were first deprived of their professional status and work and subsequently persecuted in the Third Reich at an earlier or later date by the Nazis.

Your Honors, I hope to show you in the course of this proof that there can be no question of guilt, let alone of criminal guilt, but only of tragedy. Whoever lived in a State such as the Third Reich, and moreover at such prominent positions of the economical life, could not prevent the shadows of these iniquitous doings from affecting his own sphere of life. Nobody knew this better than the man whose authority is unchallengingly acknowledged by all constitutions and institutions based on Christian theology, namely Saint Augustine, who said in his book "Civitas dei":

"That matters it, under what government mortal man lives as long as those who govern do not force those they govern to do godless and unjust things."

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Well defendants lived in the Third Reich under a government which forced those they governed to do godless things. I hope to establish before the Court in the course of the presentation of the evidence entrusted to me by the body of the Defense Counsel that this was the aforementioned tragical shadow and, through it, the tragedy of the defendants, but not their guilt under penal or moral law. Under these assumptions I will present to the Tribunal this proof which has been entrusted to me by all the Defense Counsels.

DR. SIEMERS, COUNSEL FOR DEFENDANT GEORG VON SCHNITZLER:

Your Honors, Dr. Siemers, counsel for the defendant Dr. Georg von Schnitzler:

Your Honors,

Having completed the work in the first big Nuernberg industrial case, the Flick case, together with 5 other defense counsel - although I shall not know the result until the publication of the impending verdict -, I shall now attempt to continue the defense of the German economy and German industry in the second industrial case, against the largest German economic Konzern, the I.G., within the scope of my defense of Dr. Georg von Schnitzler. I have been of the opinion that these industrial cases are not directed against the individual defendant but, fundamentally, against the whole of German economy. In the last few days in the Krupp case General Taylor contradicted my opinion and emphasized that the defendants would be held responsible purely personally and not as symbols or representative of the entire industry. I stand nevertheless by my assertion, which demonstrates the danger to the whole of the German economy, simply because the main counts of the indictment, and the many assertions of the prosecution show this quite unequivocally, i.e. the fight against the entire economy and against German capitalism as a whole. The realization of this tendency is no superfluous theoretical issue; an attack against the economy does not only affect capitalism and the major industrialists, but it similarly affects thousands of medium and minor industrialists, thousands of employees, foreman and workers.

The question which Labour-member Rhys Davies put in the House of Commons on 23 May 1947 is therefore not an accident but a necessary consequence. He asked his government whether plant leaders, foremen, engineers and skilled workers - who according to the indictment helped the national socialist war machine just as much as did the industrialists - would also be brought to trial since the American authorities had brought German industrialists to trial for the same reasons.

The Labour member's question in itself confirms the correctness of my opinion. The same conclusion can, however, be drawn from the Prosecution's own statement which repeatedly mentions the alliance of the entire industry

with Hitler and militarism and which does not limit this alliance to certain defendants, but has mentioned innumerable other German Konzerns and firms which were not indicted. Such is the case with the statement of the prosecution on Count I, i.e. wars of aggression, this is shown even more clearly in Count II, the so-called plunder and spoliation, and Count II, so-called slave labor. Here again, emerges the fact that innumerable Germans are being attacked, through the type of accusation alone, even though the Prosecution need not say so in so many words.

Spoliation, as seen by the Prosecution, does not only consist of plundering as prohibited by Article 47 of the Hague Territorial Warfare Convention, i.e. removal of objects, but also the exploitation of the economic strength of the occupied territory, and even the operation of a factory in the occupied territory in the interests, entirely or in part, of the occupied territory. But if this wide definition of plundering constitutes a war crime, then not only are individual defendants guilty of this war crime, but also countless other industrialists and this is important not only the industrialists as entrepreneurs, but also, in accordance with Control Council Law number 10 as principals and accessories, a vast number of employees, foremen and workers who worked in the occupied territories in such factories.

The situation as regards Count III, the alleged slave labor count, is exactly the same. If the Prosecution is right and if the mere employment of foreign workers, irrespective of good or bad treatment, is a war crime, then hundreds of thousands of German industrialists, employees, charge hands, foremen, skilled workers and farmers are guilty of this war crime.

What caused the Prosecution to cast their nets so wide?

Even at the Crimean Conference on 11 February 1945 the aims of the Allies were formulated in such a way that every German who retained his ability to reason, in spite of 12 years of National Socialism could agree with the statement:

"It is our inflexible resolve to destroy German militarism and national socialism and to ensure that Germany will never again be able to destroy world peace."

In the meantime, however, the scope of the aims was increased and little by little Hitler, the high Nazi leaders and the war-mad militarists were no longer held solely responsible; the decent German military personalities and industrialists were also included, and it does not matter - these are General Taylor's own words - whether these industrialists had anything to do with national socialism or even whether they were persecuted by the nazis or regarded with distrust. If industrialists are however brought to trial irrespective of their national socialist leanings, that is pure anti-capitalism which, as we have seen gives great joy to the Communists, and conforms with Hitler's oft repeated attacks against the industry, who hated the educated section of Germany, especially the industrialists, and also repeatedly attacked the capitalists, stating, for example, on 10 December 1940:

"How can a capitalist possibly come to terms with my principles. Rather will the devil go to church and use holy water, before a capitalist will consider grappling with the ideas which we now take for granted."

3.) b. The fundamental points of law for this case are to be found in international law. Up to now it was a general legal principle for the state, which is concerned with the rights and duties of international agreements, to be responsible for protecting the fundamental principles of international law. In the interests of international law one now quite rightly wishes to make the private individual responsible as well, and this principle, which, *de lege ferenda*, must definitely be admitted, is commonly held, especially in America by, for example, Professor Roscoe Pound, professor for international law at Harvard, and Henry L. Stimson, the famous Secretary of State for War under Hoover and Roosevelt.

Up to now, however, this was not an established or common law. General Taylor's objection that my opinion, which, supported with an appreciation by the international jurist, Dr. Herbert Kraus, was considerably out of date was probably based on error. I can point out, on the other hand, that General Taylor in this debate had wrongly referred to the IMT case and verdict although in this case here in Nuernberg, individuals were indicted, they were not private individuals as in the industrial cases, but officials who acted

for the State and who bear responsibility under international law together with the state. This endorses the opinion of the highest judicial authority in the field of International Law, namely that of the Hague International Court of Justice, which decided in the year of 1928 that international law "provides no direct laws and obligations for private individuals"

It is interesting to see that the Prosecution in the first Nurnberg Trial of 1946, under the direction of Justice Jackson and General Taylor, used the same interpretation, and restricted the responsibility to those people who were acting directly for the State. I refer a. to the speech for the Prosecution of the French Chief Prosecutor de Merthon on 17 January 1946, in which he said: "It is obvious that in a modern organized State, responsibility is confined to those who act for the state, as they alone are in a position to judge the legitimacy of the orders given. They alone can and should be prosecuted." Without reading it, I also refer you to the statement of the Russian Prosecutor Colonel Polkovsky. If then the Prosecution have changed their judicial interpretation in the meanwhile, the reason for this clearly lies in the wish to find a legal basis for the responsibility of the industrialists in the industrial lawsuits.

The third reason which caused the Prosecution to extend its charges, so as to include the whole of the German economy, is to be sought in their attempt to construct a legal basis for General Clay's assertion that Germany could not derive any rights from the Hague Rules for Land Warfare because Germany had broken international law too frequently and on too large a scale. This view can be derived neither from the Hague Rules for Land Warfare nor from the concept of unconditional capitulation as I shall proceed to show and prove at a later stage. Yet, the Prosecution has not admitted to validity of this view if applied in favor of German industry in connection with events in Russian occupied territory, although this would have been logical.

General Taylor's Opening Statement in the IG case shows, moreover, the extent to which the trial is being influenced by purely economic considerations. I am referring only to 2 quotations adduced by General Taylor:

The Alien Property Custodian of the United States, in his report in the

year of 1919 on the chemical industry, declared that: "The German chemical industry, which had so thoroughly penetrated and permeated our own, was gigantic, perhaps the strongest, and certainly the most remunerative of all Teutonic industries."

President Wilson, in his message to the United States Congress in the year of 1919, pointed out that:

"Among the industries to which special consideration should be given is that of the manufacture of dyestuff and related chemicals. Our complete dependence upon German supplies before the war made the interruption of trade a cause of exceptional economic disturbance. The close relation between the manufacturer of dyestuffs, on the one hand, and of explosives and poisonous gas on the other, had given the industry an exceptional significance and value. Although the United States will gladly and unhesitatingly join in the programme of international disarmament, it will, nevertheless, be a policy of obvious prudence to make certain of the successful maintenance of many strong and well equipped chemical plants."

Now, if the President of the United States thinks the creation and maintenance of chemical plants necessary for military reasons, the fact that the defendants are to be blamed for the enlargement of the chemical industry, which has now been crushed in Germany, contrary to American customs and prior to judgment on I.G., is a very striking fact and reveals the tendency of the Prosecution.

As for the charge of Aggressive War, the IMT Judgment drew absolutely clear distinctions which conflict with the charges against these defendants. The IMT Judgment explicitly affirmed the principle of personal guilt and postulated that a defendant could only be found guilty if he had precise knowledge of Hitler's aims and with this knowledge gave him his cooperation.

Moreover, the IMT Judgment only affirmed the cognizance of the defendants if they had an absolute positive knowledge and, in particular, know of Hitler's declarations as contained in the so-called key documents, to wit the 4 speeches to the Wehrmacht Commanders, by attending these conferences. But, according to the Prosecution's own case, these essential prerequisites are not complied with in this case. Moreover, I shall prove that Schnitzler did not know Hitler's aims nor these declarations of Hitler and, he could not possibly know them because he had no contact with the persons concerned. How rigorous were the criteria applied by the IMT to the Prosecution's onus of proof is shown by Schacht's acquittal. Schacht certainly had a more comprehensive view of things than Schnitzler and yet the Tribunal stated that proof had not been established because Schacht did not attend the aforesaid conferences and was therefore not in a position to know Hitler's declarations.

The Prosecution has now submitted affidavits from Schnitzler which they regard as proof of his knowledge and wish to have considered as a confession.

Within the framework of the Defense, I shall show that this conception is incorrect, quite apart from the fact that these affidavits

do not constitute effective proof within the meaning of the Judgment of the IMT. Already at the beginning of the trial, I applied for the rejection of the affidavits which the Prosecution obtained from Schnitzler during his imprisonment, without their telling him that he was likely to be a defendant, but, on the contrary, taking his evidence specifically as a voluntary witness and without according him the benefit of legal advice; this, moreover, in such circumstances and in such a manner as was bound to result for him in mental depression and constriction, especially in view of the unstable nature of this so-called "witness."

Even if you wished to disregard the mental pressure from which Schnitzler was suffering, however, the affidavits still do not contain any confession, because Schnitzler does not therein relate or admit any facts, but merely states arguments, which, moreover were influenced by the Prosecution and at the very least were suggested to him.

In order to understand all this, it would be necessary to know the conditions in Germany during the National Socialist domination and especially to have lived through the period in Germany after the Munich Agreement. The behavior of Hitler after the Munich Agreement called forth the greatest pessimism both at home and abroad. After March 1939, this pessimism increased to an extraordinary extent, Hitler having suddenly concluded an obscure Agreement with President Hacha. Just at this time, Schnitzler was conducting industrial German-English negotiations and was just as much shocked by the ruthless behavior of Hitler as were the Englishmen who were negotiating with him. When the Polish question became acute, the anxiety of many Germans and foreigners, and likewise of Schnitzler, became ever greater; nevertheless, it was still hoped and believed that Hitler, as in Munich, would be sensible enough not to make any exaggerated demands and would content himself with that which he openly demanded and which - as shown by the statements of the Swedish major-industrialist Dahlerus, as a witness in the first trial - England was willing to accord him. Chamberlain himself, the greatest fighter for peace, and the above-

mentioned witness Dahlerus - as the latter testified - did not know, in those August days of 1939, that Hitler wanted to carry on a war of aggression, because they did not yet know of the Hitler documents brought forward in the first trial; but they feared aggressive intentions by Hitler. Likewise Schnitzler, whose positive knowledge was smaller still, could at the time, like many other Germans, only fear, guess and discuss. This I will prove and this, according to the Judgment of the IAT, never constitutes a penal offense.

Turning now to the conduct of the I.G. in the occupied territories, that is, to those facts of the case summed up by the Prosecution under the term "spoliation."

I may first remark that, in accordance with an agreement among the Defense Counsel, I have taken over the work in this field on the legal and economic basis and will therefore deal with this subject specially in the course of my evidence and later in the plea.

The Prosecution, in their treatment of the charges of spoliation in the West and in the East, appear, as similarly in the Flick trial, to have committed the following legal or factual errors:

The term "spoliation" has not been defined in the Control Council Law. Spoliation is named merely as an example in Article 2, Point 1 b, as an illustration of what is meant by: "Acts of violence or offenses against property carried out in violation of the laws or customs of war."

Thus within the meaning of the Control Council Law, spoliation has taken place only if there has been a violation of the Hague Territorial Warfare Convention of 1907. The wording of the Control Council Law shows, moreover, that only overwhelming facts are to be considered as war crimes. It is therefore not applicable if the Prosecution simply declares any formal offense against the Hague Convention on Territorial Warfare to be a war crime. Thus, for instance, the Prosecution views the removal of a set of machinery in the Winnica case as a war crime, without considering that the Polish firm belonged half to the French

and half to the IG, and then the French transferred their shares to the IG, so that it was now a matter of IG property.

The Prosecution also entirely disregarded economic principles in the same way as the legal aspect, i. e. to what extent it was a matter of State measures and how far the IG had to steer its policy in accordance with the dictates of the State. Industry did not take part in the Government's so-called spoliation program, which Goering may have discussed with Hitler and others at secret meetings, and was entirely ignorant of a large proportion of the documents of this type submitted in the big case and in the industrial cases.

With regard to industry - I am thinking here of the Francolor case - the Prosecution did not take into consideration the fact that months of negotiation had taken place between the French Dyestuffs firm and the IG, which eventually led to an agreement, and this agreement was - as I shall show - not economically harmful to the French Dyestuffs firm, but was an adequate mutual agreement, on the basis of which the French Dyestuffs factories could work for and to a great extent supply their own population, in any case an agreement which worked out much better and more favorably for the occupied territory than the present much favored dismantling of factories.

The Prosecution has given spoliation within the meaning of the Hague Territorial Warfare Convention of 1907 far too wide a significance and has here left modern industrial warfare, which in 1907 was not yet known, entirely out of consideration. Every law, including international law is dependant on historical development which may lead to its expansion but may also lead to limitations. The International Military Tribunal therefore also said in its judgment on International Law:

"This law is not static, but by continual adaption follows the needs of a changing world."

The Hague Territorial Warfare Convention can therefore not be interpreted by the letter of the law but only by the spirit. At that time there was no such thing as serial warfare, which has been waged unres-

trainedly and with the most cruel weapons, although in accordance with Article 25 of the Hague Territorial Warfare Convention, the attack on or bombardment of defenseless towns or villages is forbidden.

There was at that time no blockade of a whole Reich, as in the first World War, or of almost an entire continent, as in the second World War. Similarly there was none of the economic warfare resulting from the blockade. None of this was provided for in the Hague Territorial Warfare Convention, and consequently in so far only the general and essential principles can stand and the individual resolutions cannot be applied in their formal legal sense just as in aerial warfare the Allies did not apply Article 25 of the Hague Land Warfare Convention.

There can be no doubt that an International Law exists, whether it be statutory or common law, and that the important principles of International Law must be respected in every way. I shall show, however, that International Law unfortunately has no very firm basis and that it is therefore extraordinarily difficult for a lawyer and especially for an industrialist to recognize from the facts of an individual case whether or not they constitute a violation of International Law. This uncertain basis itself shows that an industrialist, that is, a private person, cannot be held responsible for the observance of the law, especially as he cannot assess the individual actions introduced by the Government, since he does not know the motives. I should like to demonstrate this with one simple example:

This is Article 43 of the Hague Land Warfare Convention. It is here laid down that the occupying State shall make every provision "to restore and maintain public order and public life."

After the German troops had occupied wide territories in the East in June and July 1941, a decree from Hitler was issued on the administration of the occupied Eastern territory, dated 17 July 1941, the Preamble of which read:

"In order to restore and maintain public order and public life in the newly occupied Eastern territory, I decree...etc."

In fact, the precise words of Article 43 of the Hague Land Warfare Convention, are that each must have proceeded from the idea that the interests of the occupied territory would not be disregarded.

Moreover: The continued operation of factories in the occupied territories, and their operation in the interests of the population of the occupied country are also contained within the meaning of Article 43.

A comparison with present conditions in Germany will serve to illustrate how the legal concepts vary as to what is permissible in occupied territory.

The Directive issued by the Combined Chiefs of Staff on behalf of the General of the Army Dwight D. Eisenhower (JCS 1067), dated April 1945, states as follows:

"Germany is not being occupied for the purpose of its liberation, but as a result of being a defeated enemy state. The goal is not the subjugation, but the occupation of Germany in order to achieve certain important aims set by the Allies."

Consequently, there cannot be any legal doubt that the Hague Convention on Land Warfare is applicable in this instance because a defeated and occupied enemy state is the only prerequisite for its application and the Hague Convention on Land Warfare itself does not make any exception. Nevertheless, the same directive issued on behalf of General Eisenhower states as follows:

"to take no measures towards economic restoration and no steps to maintain and to strengthen the German economy."

This clear wording shows that on the part of the U.S.A. there prevailed the opinion that article 43 of the Hague Convention on Land Warfare could be disregarded and the recently published list of dismantled German plants discloses the same intention.

In order to make my statement complete, I have to add that the above quoted JCS 1067 was valid for approximately 2 years, up to the summer of 1947, and is no longer in force.

The new directive for General Clay strikes a more friendly tone

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for the German economy and many other facts disclose a similar attitude.
But all this proves the vague basis of International Law which can hardly have changed between April 1945 and July 1947.

With reference to Count 3 of the indictment --

THE PRESIDENT: May I inquire, counsel, how much more time do you need for your statement approximately?

DR. SIMMS: Approximately eight to ten minutes, your Honor.

THE PRESIDENT: Would you rather complete it before the recess or would you rather have the recess now?

DR. SIMMS: I shall bow to the preference of the Tribunal.

THE PRESIDENT: I think if it pleases you as well, you may complete your statement and then we will take the recess, at the conclusion of your presentation.

DR. SIMMS: With reference to Count 3 of the indictment, foreign workers, prisoners of war and concentration camp prisoners, I defended in the Flick trial the Ruhr industry in detail, particularly the mining industry and many other firms, against these charges. In this trial I will be brief inasmuch as Dr. Schnitzler did not handle questions of plant operation and particularly not details of labor allocation. Consequently the defense of my client will be limited to the charges of the Prosecution that, as a member of the Vorstand as well as a member of various organizations such as the Reich Industry, he bears co-responsibility.

The Prosecution states, "It is not proper to claim the privileges of authority without accepting responsibility," overlooking thereby the distinction which must be drawn between the responsibility of the Vorstand under the civil law; namely, the corporation law on the one hand, and responsibility under criminal law on the other hand. The criminal law requires proof of guilt to establish responsibility, thereby requiring positive knowledge of certain facts. The

prosecution itself admits that many of the defendants were not aware of these details but states, however, that they were in a position and were obligated to obtain knowledge of these details and should have done so and should have conducted investigations for this purpose.

Apart from the fact that in the case of so large a concern it is utterly impossible to conduct investigations continuously, it does not constitute a part of the duties of every member of the Vorstand within the organization of such a large concern and such a large Vorstand, as the proceedings will prove, to concern himself with questions of plant operation and in so doing to neglect his own sphere of work.

The Prosecution has also recognized this fact and is endeavoring to overcome it with the aid of the Control Civil Law, by referring to Article II e) and f) of the Control Council Law Number 10, which, in addition to the usual forms of criminal participation, has created two new forms of participation; namely, the fact of a person holding a high position in industry or economy, and the fact of mere membership in an organization connected with the commission of a war crime, whereby, surprisingly enough, I.G. apparently is considered as an organization or association of that kind.

In the course of this trial it may be proved that this provision, particularly its interpretation as attempted by the prosecution, is contrary to the judgment of the International Military Tribunal. When declaring specific organizations as criminal the I.M.T. clearly stressed a point that mere membership is not sufficient and that guilt under criminal law is always individual guilt. Consequently the Prosecution must also in this instance prove not only the fact of position and membership, but also furnish proof of

guilt, that is, individual participation, quite apart from the fact that I.G. as a corporation is not to be regarded as an organization within the meaning of Control Council Law. Moreover, in order not to unduly take up the time of the Tribunal, I have already submitted an opinion in the Flick trial on these matters, a detailed expert opinion by Attorney Kleefleisch. In addition, I shall limit myself for the time being to merely quoting the words spoken by the American Military Tribunal II in Case IV. I quote:

"Again the Tribunal is impelled to ask what should he have done? Unless it is willing to resort to the principle of group responsibility and to charge the whole German nation with these war crimes and crimes against humanity, there is a line somewhere at which indictable criminality must stop. In the opinion of the Tribunal Vogt stands beyond that line." And thus I am of the opinion that this trial will prove that Schnitzler stands beyond that line and that in his case, too, the question is to be asked, what should he have done? I believe on the whole, and this brings me to my conclusion, that the Prosecution in judging the conduct of all the defendants is thinking too much of the democratic liberty which they themselves enjoy in America and repeatedly forgets that a National Socialist state represented a dictatorship of a particular extreme type, a fact which cannot be pointed out often enough and which is apparently understood only by those who have spent the entire last twelve years in Germany.

The Prosecution who is so apt to quote the International Military Tribunal overlooks the Judgment of the International Military Tribunal in this instance and ignores the statement of its own colleague, the French Prosecutor, at the big trial who aptly remarked in February, 1946, "Hitler was indeed

the incarnation of a will." Then, from this resulting strength and power led Hitler, as stressed in the Judgment of the International Military Tribunal to dictatorship with all its methods of terror and its cynical and open denial of the rules of law, and I quote further from the International Military Tribunal Judgment: "Hostile, criticism, indeed, criticism of any kind was forbidden and the severest penalties were imposed on those who indulged in it. Independent judgment based on freedom of thought was rendered quite impossible."

In connection with the Defense's case in chief I request the Tribunal always to bear in mind the extraordinary dangers and the tremendous power of the dictator who excluded freedom of action and freedom of wealth and thus I may conclude with the words of a Greek scholar, a contemporary of Plato: "You either stay away from the company of the tyrant or you submit to him."

THE PRESIDENT: The Tribunal is about to rise for its morning recess. At the end of fifteen minutes the Marshal will have the defendants in the dock and counsel will be in their chairs. We shall rise.

(Recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The defendants may proceed with their opening statements.

DR. ACHENBACH: Achenbach for Dr. Gajewski.

May it please Your Honors:

Before submitting to the Court my own opinion about the alleged crimes the Prosecution charges these defendants with, I want to pay tribute to the extraordinary amount of energy and subtle intelligence spent by the very able representatives of the Prosecution on trying to prove that these defendants, most of whom are well-known and held in high esteem among leading business men, industrialists and scientists the world over and last but not least in Your Honors' own country, are in reality sinister persons worse somehow than Hitler himself. I dare say that in spite of all their ability and intelligence the Prosecution did not succeed in this impossible task, and with Your Honors' kind permission I do not want to conceal my doubts about the political wisdom of their decision to try it.

There is an irresponsible way of pinning labels on people which one should not indulge in, if one wants to build up the reign of justice and liberty we are all longing for, and for the support of which many of the best citizens of this unhappy German nation still look with fervent hope, which must not be deceived, to that great land of liberty beyond the Atlantic so admirably and enthusiastically described in the poetry of Walt Whitman. One unfortunately finds that regrettable habit in some other parts of the world, but I am told that one of the guiding principles of Your Honors' country is to put a stop to the spreading of these methods. The Chief Counsel for the Prosecution reminded us in his opening statement of the fact that we have been told from the Mountain to judge not that we be not judged.

Listening to the rest of his speech and especially to his last sentence I could not help feeling that he had forgotten the profound wisdom of that rule.

The Prosecution do not hesitate to charge all the defendants with crimes against peace. They are alleged to have planned, prepared, initiated or waged wars of aggression and to have participated in a common plan or conspiracy for the accomplishment of such wars of aggression. The Defense maintain that not even a prima facie case was made out. As I already had the occasion to point out to the Court, the Prosecution did in fact prove — but as far as that is concerned we might have made a stipulation — that I.G. Farben was a big firm, was an efficient firm and as many other firms in Germany did take part in German rearmament. Just as innumerable firms in other countries took part in the production of armaments in their countries. The prosecution seem to think that that is enough in order to establish against all the defendants a crime against peace. I respectfully submit to Your Honors that that is not enough. It was not enough for the International Military Tribunal. In the grounds of its judgment concerning the defendant Schacht it is stated:

"It is clear that Schacht was a central figure in Germany's rearmament program and the steps which

he took, particularly in the early days of the Nazi regime, were responsible for Nazi Germany's rapid rise as a military power. But rearmament by itself is not criminal under the Charter. To be a crime against peace under Article 6 of the Charter it must be shown that Schacht carried out this rearmament as part of the Nazi plans to wage aggressive wars."

Do counsel for the prosecution really intend to go beyond the principles laid down in that judgment? Do they intend to rely on Article II 2 f of Control Council Law No. 10 according to which it could seem that any person who held a high political, civil or military position in Germany or held a high position in her financial, industrial or economic life is automatically deemed to have committed a crime against peace? Your Honors, I simply cannot conceive of that provision's idea being to establish the legal basis for wholesale punishment of thousands and thousands of honorable citizens. I cannot conceive of any counsel bred in the spirit of true liberalism, freedom, and democracy who would think of giving that interpretation to that provision.

I do not want to be unfair and say that the Prosecution did not see the danger of such an interpretation. I quote from General Taylor's speech:

"This provision we believe is not intended to attach criminal guilt automatically to all holders of high positions, but means rather that legitimate and reasonable inferences are to be drawn from the fact that a defendant held such a position and places upon him the burden of countering the inferences which might otherwise be drawn."

What General Taylor obviously tries to do is this: he wants to shift

the burden of proof. Practically speaking that mounts up to the same result, as if he flatly did construe the above mentioned provision in the indicated impossible way. And there we simply cannot follow him. We all know the old Latin saying: *negativa non sunt probanda*. This is not a denasification court, this is a criminal court and we therefore have to stick to the elementary principle recognized by the penal laws of all civilized nations that if somebody is to be punished his personal guilt must be proved. In this very Court House Military Tribunal II on 16 April 1947 in the case: *United States of America v. Erhard Milch* gave eloquent expression to this fundamental principle by stating:

"We must never falter in maintaining, by practice as well as by preachment, the sanctity of what we have come to know as due process of law, civil and criminal, municipal and international. If the level of civilization is to be raised throughout the world, this must be the first step. Any other road leads but to tyranny and chaos. This Tribunal, before all others, must act in recognition of these self-evident principles. If it fails, its whole purpose is frustrated and this trial becomes a mockery. At the very foundation of these juridical concepts lie two important postulates: (1) Every person accused of crime is presumed to be innocent, and (2) that presumption abides with him until guilt has been established by proof beyond a reasonable doubt.

Unless the court which bears the proof is convinced of guilt to the point of moral certainty, the presumption of innocence must continue to protect the accused. If the facts as drawn from

the evidence are equally consistent with guilt and innocence, they must be resolved on the side of innocence, tUnder American law neither life nor liberty is to be lightly taken away, and, unless at the conclusion of the proof there is an abiding conviction of guilt in the mind of the court which sits in judgment, the accused may not be damnified."

For our case this means that these defendants are only guilty of a crime against peace if they knew that their government had specific plans to wage wars of aggression and if with clear and specific knowledge of those aggressive plans they knowingly gave their help to the realization of these plans. Did Hitler tell them about his plans? He certainly did not. I respectfully submit to Your Honors that he told them and the German people the exact contrary. Isn't it significant in this connection, Your Honors, that Hans Fritzsche, who was in charge of informing the German people through the German press and radio services of what was going on, was acquitted by the International Military Tribunal?

In spite of that the Prosecution seem to want to contend that it was a matter of common knowledge among the people of Germany that Hitler wanted to go in for wars of aggression. As their key witness they produced Hitler's interpreter. Now, whatever one may say about him and about what he was obliged to admit during his cross examination, one thing is certain, he is not a witness to be able to prove anything at all about common knowledge. If one wants to know what common knowledge was, one will have to turn to those things the German press and the German radio let the German population know about their government's declarations and intentions. Your Honors will find that the word peace occurred far more frequently than the word war.

It will be my duty within the general frame of the defense to submit to Your Honors the evidence concerning what was common knowledge

and what was not. In order, however, that there is no misunderstanding about my position, I want to say that this question is according to the clear findings of the International Military Tribunal irrelevant. In order to avoid repetitions I should like to refer in so far as the motion my colleague von Metzler submitted yesterday to the Court. I shall therefore offer this evidence concerning common knowledge only if the Court takes a different view from that expressed in the IMT judgment.

Right here, though, I should like to say a few words about the argument that by the foreign press and by foreign radio the German people and these defendants heard different things. I think that common sense tells us without long discussions what such an argument would be worth. I am not of the opinion that the normal decent citizen in any country can be expected to assume that his own government is by definition crooked and that their opponents abroad are always right. As far as I know there are committees set up in America to investigate into so-called Un-American Activities and as far as I am told they think that people who rather than sticking by the official lines of their own legitimate government take their views from and shape their actions according to orders received from foreign quarters, are not exactly the very best citizens. In fact these committees seem to think that a certain loyalty to one's own country and its legitimate government is not a sign of particular stupidity, not even of wholehearted approval of any governmental decision, but rather a sign of national decency without which no state and no social order could be maintained. In this connection I should like to draw Your Honor's attention to a very interesting decision of the Supreme Court of the United States rendered May 25, 1931, in the case of MacIntosh. MacIntosh, a Canadian theology professor who asked for his naturalization as a United States citizen, was ready to sign the declaration of allegiance to his new state with the reservation, however, that he claimed the right to decide for himself if a future war waged by the United States

was a just or an unjust war. In the latter case he declared he would not be in a position to give help to his new state. The Supreme Court decided that while they were prepared to recognize so-called conscientious objectors, they were not prepared to accept that a United States citizen declared that it was up to him to decide whether in a concrete case of war he would give help to his government or not.

If in view of the charges of Count I of the indictment I now turn to my client, Dr. Gajewsky, I only want to repeat that he did not know that Hitler planned wars of aggression. On the contrary, being a straightforward personality, he had until the outbreak of war confidence in Hitler's repeated solemn peace pledges. From the many examples I shall here only quote a few. In his speech before the German Reichstag on May 17, 1933, Hitler said:

"No new European war would be able to replace the unsatisfactory conditions of today by something better. On the contrary, neither politically nor economically any application of force would create in Europe a situation more favorable than the situation which exists today. Even a decisive success of a new European solution by force would have as final result a disturbance of the European equilibrium and would thus in one way or another lay the germ for new oppositions and new complications. New wars, new sacrifices, new insecurity, and new economic need would be the result. The outbreak of such a folly without end must lead to the breakdown of the present social and political order. A Europe drifting into communist chaos would bring about a crisis the extent and duration of which could not be foreseen. It is the most earnest desire of the

national government of the German Reich to prevent such an unpeaceful development by their sincere and active cooperation."

In his speech before the workers of the Siemens plant in Berlin, Hitler said on November 10, 1933:

"One should really not attribute to me that I am so idiotic to want a war. I do not know how many of the foreign statesmen participated in the war. I was in it, I know it. We want nothing but peace."

On February 20, 1938, Hitler said in the Reichstag:

"Relying on her friendships, Germany will not leave a stone unturned to save that ideal which provides the foundation for the task which is ahead of us--peace."

Furthermore my client had been deeply impressed by the apotheosis of peaceful international competition during the Olympic Games 1936 in Berlin and had wholeheartedly approved of and believed in Neville Chamberlain's declaration at his return to England after the Munich conference and after his signature of a consultative pact with Hitler that this meant "peace in our time."

On January 30, 1939, again in the Reichstag, Hitler said:

"During the troubled months of the past year, the friendship between Germany and Poland has been one of the reassuring factors in the political life of Europe."

And last but not least on April 28, 1939, Hitler in a further speech before the Reichstag declared:

"I have regretted greatly this incomprehensible attitude of the Polish Government, but that alone is not the decisive fact; the worst is that new Poland like Czechoslovakia a year ago

believes, under the pressure of a lying international campaign, that it must call up its troops, although Germany on her part has not called up a single man, and had not thought of proceeding in any way against Poland..... The intention to attack on the part of Germany which was merely invented by the 'international press....."

Can a man whose work certainly did not leave him much time for philosophic speculations about the vicious aims his government might or might not have, but who knew that Austria and the Sudeten area were populated by authentic Germans and who remembered the fact that for centuries Czechs and Slovaks had lived in peaceful communion with Germans within the orbit of the German Reich be expected to assume that while saying all these peaceful and reasonable things Hitler secretly had made plans for a war of aggression against Poland and had informed a very limited number of men belonging to his inner circle about these aggressive plans? It is quite obvious one cannot expect that. It seemed obvious to the International Military Tribunal and that is why they acquitted a considerable number of defendants, who certainly held higher positions and had more insight than my client, of the charge of having committed a crime against peace.

If the prosecution should object that in spite of these peaceful declarations my client must have come to a different conclusion in view of the German armament efforts I can only say that in order to understand the psychological situation in Germany concerning rearmament it seems to me worthwhile to remind Your Honors in this connection of the fact that German disarmament after world war No. 1 was to be according to the provisions of Part 5 of the Versailles Treaty, to Art. 8 of the Covenant of the League of Nations as well as of Point 4 of Wilson's 14 Points, only the beginning of general disarmament and that throughout the long years of negotiations about disarmament and

security it was Germany's constant aim to remind the other nations of the fulfilment of their disarmament pledges and to achieve equality on the basis of its own reduced level of armaments.

Chancellor Bruening said in an interview given to a representative of the International Broadcasting Company and broadcast by all radio stations of the United States on February 15, 1932:

"The military forces of Germany are not even a sufficient frontier protection against the aggression of one or several of her highly armed neighbors. Germany's lack of arms is particularly evident in the air. She has absolutely no means for her defense. Not only the airforce is forbidden to her but even any anti-aircraft defense from the ground. In case of war the cities of Germany would be exposed without any protection to the gas, incendiary and explosive bombs of enemy planes. You will admit that that is an untenable situation which must in view of their security be of the greatest concern to the German people. The demand for equality with the other nations, which I put forward in all clarity in my speech at the disarmament conference at Geneva is therefore a self-evident conclusion from the affectively existing conditions.....

The German people especially the German youth very deeply resent this state of disqualification and part of the political unrest in Germany has its origin here.....

The demand for equal rights and equal security

is shared by the whole German nation. Every German government will have to stand up for this demand."

In fact evidence can be introduced to show that the Hitler government took in Geneva the same stand that Bruening had taken and German rearmament was only begun when the German efforts of many years in endless disarmament discussions in Geneva and elsewhere had proved a failure because of the intransigency of Germany's neighbors.

As far as my client is concerned I must in addition underline the fact that the plants he was entrusted with concerned products which were essentially peaceful, i.e. photographic products and artificial fibres. My client is entitled to point out not without pride that the AGFA, thanks to his constant efforts to push the research work of his able collaborators into this direction, developed a process for colored films which is with reason considered as one of the best if not the best in the world. The outbreak of war did not further, but hamper my client's peaceful efforts. I can therefore assure Your Honors that my client did not rejoice when war broke out nor did he ever hear that his colleagues had bellicose tendencies. Certainly none of his colleagues ever told him of having knowledge of any aggressive plans of the German government. It is true, once war had broken out - a war which the German government presented to the German people as a defensive war especially by pointing to the fact that England and France had declared war upon Germany - my client did not wish his country's defeat. He stuck by it, but there, too, I submit to Your Honors that that is an attitude nobody in good faith is entitled to blame him for.

The International Military Tribunal recognized this view when in the grounds of its judgment concerning the defendant Speer it stated:

"His activities in charge of German armament production were in aid of the war effort in the same way that other productive enterprises aid

in the waging of war; but the Tribunal is not prepared to find that such activities involve engaging in the common plan to wage aggressive war as charged under Count One or waging aggressive war as charged under Count Two."

As far as the charges under Count II of the indictment are concerned I can leave their discussion to those of my colleagues whose clients were engaged in the negotiations which led to the arrangements the Prosecution styles as plunder and spoliation. The evidence introduced by the Prosecution does not bear out this contention.

Turning to Count III of the indictment my client assumes the responsibility for the Wolfen film plant whose immediate head he was. As far as the employment of foreign labor, inmates of prisons and inmates of concentration camps as such is concerned I respectfully submit to your Honors that this fact alone, given the German legislation and the war situation, cannot be considered as a sufficient basis for justifying criminal proceedings against my client. The legal problems relevant in this connection will be at length discussed by my colleagues. The defense is in a position to introduce evidence to prove that my client acted in such a way that no other decent man in his position at the same period and under the same circumstances could have acted differently. We are able to prove, too, that conditions of work, the food and housing situation of all persons working at the Wolfen film plant were such that one cannot contend they were bad. Dr. Gajewski did all in his power and issued instructions to that effect that especially the foreign workers received a decent treatment and were cared for to the extent the prevailing circumstances allowed. As far as the concentration camp inmates (a few hundred women from Ravensbrueck) were concerned they certainly preferred their work at the Wolfen film plant to the Ravensbrueck camp. They were not engaged in heavy work; the work was the same performed before by free German women. As to the other plants belonging to Sparte III and mentioned by the

Prosecution, i.e. Kamerawerk Munich and Rottweil, they were run by able men whose moral qualities were such as to have gained them the confidence of my client. He could be sure that as Betriebsfuehrer of those plants these men handled the personnel questions correctly, and in fact they did handle them correctly. As to the firm Kalle, controlled by I.G., but legally an independent firm with its own board of management there is no evidence produced by the Prosecution which could imply my client. There too, however, we are in a position to prove that the Kalle board of management acted correctly.

As to the general personality of my client I propose to submit to the Court evidence to show that he was imbued with principles of tolerance and humanity and that he certainly did not lack civil courage to stand up for his opinions. He was known among his colleagues as a person who definitely did not like to have other people interfere with his own sphere, but who at the same time refrained from meddling with other people's affairs. In the "decentralized centralization" of the huge I.G. Dr. Gajewski was at the head of Sparte III and gladly assumed the responsibility this position implies. As to the rest of Farben's fields of activities he only knew about their general outlines such as they were submitted to the TEA and the Vorstand when he took part in the meetings of these gramiums. He there never heard anything which could or should have stirred him to take action in other fields than his own, the less so since he had and could have confidence in his colleagues as to the correct handling of their affairs. Concerning the honorary positions held by Dr. Gajewski the Prosecution did not produce any evidence to prove that in these more or less formal activities something could be found to charge him with under any criminal aspect.

In concluding my opening statement I want to make one last remark concerning the last sentence of the Prosecution's opening address. The Chief Counsel for the prosecution said: "There is no loyalty in these men -- not to science, nor to Germany, nor to any discoverable

ideal." This charge wholly unwarranted by the evidence introduced by the Prosecution is most deeply resented by Dr. Gajewski and I think I am entitled to say that all the defendants share his feelings. As to Dr. Gajewski's loyalty and personal integrity all those who have known him in Germany as well as abroad will tell the Prosecution they are wrong and as far as Dr. Gajewski's feelings toward Germany are concerned he loved and served his country as I imagine his colleagues in America loved and served their own.

DR. NELTE: Dr. Nelte for the defendant Professor Dr. Heinrich Hoerlein.

Mr. President, your Honors:

Defendant, Professor Hoerlein, together with all the other defendants -- is charged with having participated in the planning, preparation, initiation and the waging of wars of aggression and invasions of other countries.

This Count of the indictment concerns the overall responsibility which Professor Hoerlein is held to have assumed as a member of Farben's Vorstand.

In this connection it is essential to prove the extent to which Professor Hoerlein has participated in the decisions and measures of which he knew that they had as their objective the planning, preparation, initiation and the waging of wars of aggression.

We reserve to ourselves to present at a later date the legal issues arising from the problems of overall responsibility and conspiracy.

Professor Hoerlein in an affidavit will explain his position, his functions and his competencies within Farben's administrative structure -- the Vorstand and the Central Committee. This will reveal a picture of a decentralized business activity which by virtue of Farben's immense size rendered it practically impossible for any individual member of the Vorstand to be informed of the details of the activities of the other members of the Vorstand, in any case as to their motives and purposes.

Professor Hoerlein, who jointly with Professor Lautenschlaeger and Direktor Mann, represented the pharmaceutical branch of Sparte II as well as the pharmaceutical plants and laboratories in Elberfeld-Leverkusen, will when called to the stand, testify and introduce documentary evidence to the

effect that the pharmaceutical branch did not benefit from the National-Socialist movement and regime, nor from the Wehrmacht, that is, from rearmament.

The development of this branch of Farben was not influenced by rearmament, but by developments on the international field, namely, by the export. These developments induced the leading men, either by necessity or from conviction, to adopt an attitude of conciliation and peace among nations. Moreover, proof will be submitted that plans for the activities in France, decided upon in July 1939 and the plans for Russia, discussed in October 1940 preclude the suspicion that the leading men of the pharmaceutical branch, as for instance Professor Hoerlein, believed in an impending war. As late as the end of July 1939 Mann and Hoerlein received at Leverkusen and Elberfeld high ranking representatives of the English pharmaceutical world, on which occasion both parties stressed the international bonds which kept them together.

Documents will be introduced to prove drastically that Professor Hoerlein was in opposition to the Party since 1933, especially to Streicher, who supported the fanatical adherents of the treatment by natural remedies in their attacks upon pharmaceutical firms, especially upon Farben; moreover, that he became the victim of a campaign of defamation because he took part in the fight for freedom in the field of science against the plans of Hitler and Goering to prohibit vivisection for scientific purposes.

Professor Hoerlein is ready to assume full responsibility for anything that was carried out under his management of the Elberfeld plant.

In this position he enjoyed a large measure of independence. He jealously maintained his independence; it was

just as natural for him to respect the activities of other works as well as the spheres outside his own field of activities.

To paragraph 42 of the Indictment.

The defendant Professor Hoorlein's name is mentioned in paragraph 42 of the indictment. The following is stated:

"Farben performed most of the secret development of poison gas for war. The experiments were carried out by Farben employees under the direction of the defendants Hoorlein, Ambros and ter Meer, in close cooperation with the Wehrmacht."

As far as this concerns Professor Hoorlein and the Elberfeld Farben works the assertion of the Prosecution has been contradicted by the testimony of the witnesses for the Prosecution, Dr. Schrader and Professor Gross. I refer to the testimonies of these witnesses (Dr. Schrader page 2228 - 2258, Professor Gross, page 2709 - 2723), and move

"to drop the charge against Professor Hoorlein as contained in this Count."

Should this not be done, I reserve the right to myself to introduce other witnesses to prove the falseness of this paragraph and the charges contained therein.

To paragraph 53 and 56 of the Indictment.

In paragraphs 53 and 56 of the indictment Farben is charged among other things with having held back, through its cartel arrangements, the production of atabrine and sulphate drugs, even more of having prevented the production of atabrine within the United States before the German declaration of war.

However, the Prosecution has not produced any evidence whatever in this respect.

In regard to this point I make the motion:

"that the Court squash proceedings as far as they concern paragraph 53 and 56 of the indictment."

By way of precaution I offer to submit proof by the introduction of documents and affidavits and by an examination of the defendant Hoerlein on the witness stand that the assertion of the Prosecution not only is not true but that through the discoveries made in Farben's Elberfeld works, which was organized and managed by Professor Hoerlein every year, millions of human lives were saved, and health can be restored to hundreds of millions of human beings if the nations responsible for the territories concerned make use of these discoveries. The number of deaths from malaria alone against which atobrine has proved to be the principle preventative, has been estimated by diverse authorities to be between $3\frac{1}{2}$ to 8 millions a year. The number of persons suffering from malaria is estimated to be between 500 and 800 millions, which corresponds to from $\frac{1}{4}$ to $\frac{1}{3}$ of the present world population.

Count 2, as far as it concerns "German plunder in the West" will be dealt with in its entirety by other representatives of the defense.

Professor Hoerlein is mentioned in the second contract concluded by Farben with Rhone-Poulenc.

It can be seen from these documents and from correspondence to be submitted that Hoerlein had recognized the interests of the French partners in the most loyal manner and that the negotiations with the representatives of Rhone-Poulenc had taken place in a more friendly atmosphere.

In regard to this the defendant Hoerlein will make a statement on the witness stand. Moreover, I shall introduce an affidavit of Dr. Miotzsch who was the constant companion

of Professor Hoerlein in the various technical discussions. An affidavit of the Generaldirektor of Rhone-Poulenc will show to you that Professor Hoerlein has proved his unconditional loyalty by his deeds.

To paragraph 128 of the Indictment.

The issues in regard to the procurement, employment and the treatment of foreign workers will be dealt with by Herr Helmuth Dix generally.

NO evidence has been offered by the Prosecution in regard to the Elberfeld works, which has been under the management of the defendant Hoerlein. The only document (NI-7513) referring to this point of the charge is an affidavit Moyoux which although contained in the document book, was never submitted by the Prosecution.

Therefore, the defense finds itself not in a position to answer concrete assertions incriminating Professor Hoerlein.

Paragraph 131 of the Indictment.

The argument of the Prosecution in regard to this part of the charge is not conclusive.

It would have been necessary in the case of Hoerlein to assert and to prove:

- a) knowledge, that the Tests, or Degesch, respectively, had supplied Zyclon - B to the concentration camp Auschwitz and
- b) knowledge that this Zyclon - B was intended to be used for the gassing of human beings.

As far as this concerns Professor Hoerlein, the Prosecution has only presented the one fact that he was a member of the Verwaltungsrat of Degesch. However, several links are missing here in the chain of a conclusive evidence; the assertion that

the Verwaltungsrat knew of this particular detail of its business transactions is missing. No transcript of such meeting has been submitted, no evidence has been introduced to prove that Hoerlein had obtained knowledge about it in any way whatever.

This cannot be sufficient to admit of the immensely grave accusation of the Prosecution.

I, therefore, move for the defendant Hoerlein;
"the Court find that this Count of the indictment has not been conclusively proven and that it, therefore, be repulsed."

If the Court declines to do so Professor Hoerlein will submit proof that he had not taken part in any meetings of the Verwaltungsrat at the critical time and had not received reports which would have disclosed that Zyclon - B had been supplied to Auschwitz nor the terrible use made of it at Birkenau.

As for the rest I refer to the evidence in the case of the co-defendant Mann.

Concerning Count 134 of the Indictment.

The Prosecution asserts, and I quote:

"The defendant Hoerlein had total supervision, control and final responsibility in the field of pharmaceuticals. He was in charge of the factories making pharmaceutical products, and it was Hoerlein who reported to the Vorstand."

These assertions have been refuted by the Prosecution's own arguments and the proof it presented until now.

Although the Basic-Information and the charts submitted by the Prosecution are not evidence, they must nevertheless, by the Prosecution's own arguments, be counted against it.

From the chart submitted as Exhibit 47 about the

various works belonging to Farben the following facts become evident:

- a) That Professor Lautenschlaeger was manager of Betriebsgemeinschaft Maingau (Works Combine Main Valley), to which belonged not only the Hoechst plant which he managed himself but also the Serum und Impfstoffwerke (serum and vaccination works) in Marburg and Eysstrup, whilst Professor Hoerlein was in charge of the Elberfeld works which were a part of the Betriebsgemeinschaft Niederrhein (Works Combine Lower Rhine)
- b) that Professor Lautenschlaeger exercised his functions in complete independence from Professor Hoerlein, as is confirmed by the Prosecution's submitted affidavit NI-8004, Exhibit 307. The final sentence on number 4 states:

"In my capacity as work's manager I was in charge of research, production and social welfare for the personnel."

The Prosecution witness Dr. Struss stated during cross-examination:

- a) "Professor Hoerlein was not the superior of Professor Lautenschlaeger, the manager of the Hoechst works"
- b) "In the field of pharmaceuticals, Professor Hoerlein was primus inter paris"
- c) "The spheres of work in Elberfeld and Hoechst were independent"

The importance of the Pharmaceutic Main Conference is accurately recorded by Basic-Information, volume I, page 21.

It agrees with the statement of eight members of the Vorstand, which was confirmed by the Prosecution witness Direktor Paulmann in this courtroom, and it stated:

"The Pharmaceutical Main Conference was a meeting of all directors of the pharmaceutical departments of Elberfeld, Hoechst and Leverkusen (scientists, manufactures, publicity and business men), with Professor Hoerlein presiding. They heard reports about new products whose investigation in medical laboratories had been completed; as well as about the results concerning products still in the course of clinical investigation; they reached decisions about their marketing; and they informed themselves about the manufacturing and sales conditions, as well as about patent and license problems....."

According to this, the Pharmaceutical Main Conference was a meeting of departments of the pharmaceutical branch, all on the same level, for the purpose of mutual information, and without authority to make decisions about business policies or the research of these departments.

The assertion of the Prosecution:

"It was Hoerlein who reported to the Vorstand", is refuted also by Professor Lautenschlaeger's affidavit, submitted by the Prosecution, and according to which he rendered reports about progress attained in the Hoechst and Marburg laboratories.

Although this in itself refutes the Prosecution's primary thesis against Professor Hoerlein, we shall submit, -- in addition to the affidavit of Dr. Lutter, who was a member and reporter of the Pharmaceutical Main Conference since 1934,

-- proof by the depositions of Professor Hoerlein and the eight members of the Vorstand already previously mentioned.

It is true that Professor Hoerlein was since 1935 Vorsitzender of the Aufsichtsrat of the Behringwerke A.G. in Marburg. The functions of the I. G. Aufsichtsrat were on the whole accurately described by the Prosecution when stating:

"Membership in the Aufsichtsrat was principally an honorary membership."

And in another passage:

"It -- the Aufsichtsrat -- convened for the purpose of hearing the report of the Vorstand, and on paper it was responsible for the election of the Vorstand members."

These statements which apply to Farben as a whole are also applicable to a still greater degree for the Aktiengesellschaften, stock corporations, which were parts and in reality only branches of the entire I. G., as for instance the Behringwerke A.G. in Marburg.

THE PRESIDENT: Dr. Nelte, it is time for our noon recess, and may we inquire would you be inconvenienced if we should suspend until one-thirty, or are you disposed to want to complete your statement before the recess?

DR. NELTE: I should be obliged to you if I could conclude it before the recess.

THE PRESIDENT: Very well.

DR. NELTE: In Marburg the Aufsichtsrat convened once a year in a session to take care of the formalities as prescribed by law, that is to say, to take cognizance of the balance-sheet and yearly reports. The Aufsichtsrat had no influence on business policies, but also it supervisory powers concerning the business -- not scientific -- activities

of the Vorstand were very limited since the leadership principle of the Vorstand was introduced in the I. G., in accordance with the corporation law of 30 January 1937.

By the presentation of affidavits, Professor Hoerlein shall prove that, with one single exception in the prewar years, the yearly balance-sheet meetings and the general session convened in Leverkusen and therefore not in Marburg, and that he exerted no influence upon the business policies of the Behringwerke. The assertion made on page 2 of the indictment, according to which Professor Hoerlein managed the development of serum and vaccines, is not true. It is also in contrast to affidavit Lautenschlaeger, NI-8004, Exhibit 307, Z. 4, submitted by the Prosecution.

It is therefore evident that Professor Hoerlein neither managed, supervised, nor controlled any other works, except those laboratories and enterprises which he managed personally.

The foregoing is not intended to say that the individual pharmaceutical works carried on in complete isolation; there was of course mutual contact and exchange of experiences, to the extent in which similar spheres of activities were concerned. It would be folly to deny that in this circle Professor Hoerlein's personality, by his knowledge, experience and seniority, did not carry great weight. Such variegated manifestations of the factual importance of individual personalities, extent in all spheres and at all times, have no connection with the organizational question of the right -- and consequently of the duty -- to issue orders or to exercise supervision.

The same considerations apply also to the relations between Professor Hoerlein and Dr. Mertens, the responsible manager of the Scientific Department in Leverkusen, which was

locally and organizationally attached to the pharmaceutical sales association. This Scientific Department received from Elberfeld -- as well as from Hoechst -- the preparations after they had been developed in laboratories and in experiments with animals.

Through the testimony of the Professors Dr. Domagk, Kikuth and Weese, all subordinated to Professor Hoerlein, it will be proved that these preparations did not leave the Elberfelder works until they were approved, in the most conscientious and responsible manner, and according to the latest scientific developments, as promising for the treatment of certain diseases. A detailed expose covering this subject was issued to the scientific department which enumerated all the data for the therapeutic treatment, as well as any corollary reactions which it was humanly possible to foresee. On the basis of this report the Scientific Section on its own responsibility instigated the clinical examination in that they gave the preparation and the expose to recognized, experienced and reliable doctors for testing.

Although on principle the work of the Elberfelder Werke was completed when the preparation and the expose were passed on, it is only natural that the experiences and queries arising out of the clinical testing of the Elberfelder preparation should lead to constant discussions with the Elberfeld Offices.

For this entire complex the exposés on the Elberfelder preparations B 1034 and Methelyne blue will be presented, in addition the testimony of Dr. Mertens and his subordinates Dr. Koenig and Dr. Luecker will be offered. These witnesses will also explain the conception of clinical testing and therapeutic experiments, as well as that the clinical tests concerned here are not "Experiments" as maintained by the

Prosecution in this trial.

The explanation of the indictment in the Doctors Trial gives clear directives which are also recognized by the Defense, for the general judgment of this question. It states:

"Now, the only question which we have with respect to this exhibit is whether or not this disease, typhus, was naturally or artificially contracted by the thirty-nine experimental subjects. I take it no crime was committed if in fact these thirty-nine unfortunate people just contracted the disease in the Buchenwald Concentration Camp and then were used as experimental subjects to test the reactions of these two drugs, Rutenol and Acridine. I say the Prosecution will so assume." (McHanay, page 1127, Record of the Doctors Trial)

Although Professor Hoerlein had no influence in, and therefore no responsibility for, the selection of the doctors to whom the Elberfeld drugs were given for clinical testing, these cases will be dealt with here because the Prosecution maintains that such therapeutic experiments with Elberfeld preparations in the Concentration Camps, were known and promoted.

Dr. Vetter was a subordinate of the above mentioned Dr. Luecker. He (Dr. Luecker) and his superior Dr. Mertens will certify that Dr. Vetter was not subordinate to Professor Hoerlein. It is proven through an affidavit by Dr. Vetter and through Professor Hoerlein that since he was drafted into the Waffen-SS, Dr. Vetter neither spoke or corresponded with Professor Hoerlein, and furthermore that during his service with the Waffen-SS he received no remuneration whatsoever for

his activities in the interests of the I. G. His emoluments were the same as those received by every other employee of the I. G. who had been drafted into the armed forces on the basis of proscribed regulations.

The Prosecution has neither proven that Professor Hoerlein issued orders to the effect that Elberfeld drugs were to be tested in clinical experiments in Concentration Camps or other Camps -- nor that he had knowledge of the fact that Elberfeld preparations were tested in experiments in the Concentration Camps. Nor has the Prosecution asserted that Professor Hoerlein was ever in a Concentration Camp. Neither do the documents presented by the Prosecution show that Professor Hoerlein received a report, from which he could have concluded that the Elberfeld preparations were being tested on Concentration Camp inmates. Without drawing a conclusion from the private letters which Dr. Vetter sent to his fellow-workers in Leverkusen, the testimony of Dr. Mertens and Dr. Koenig shows that Professor Hoerlein never had any knowledge of these letters.

Any knowledge which Professor Hoerlein could have had would have been gained through the Scientific Section Leverkusen. The witnesses Dr. Mertens, Dr. Koenig and Dr. Luecker will certify that Dr. Vetter never spoke to them about experiments on Concentration Camp inmates, much less did he speak of experiments which would have been objected to by the medical profession.

At first Dr. Vetter worked in Dachau. It was during this time that the letter was written which the Prosecution has quoted as follows:

"In August 1941, in a letter addressed to his 'chief' at Leverkusen, Dr. Vetter wrote that he is now....." in one of the largest and

best equipped concentration camps.

He stated further: "as you can imagine, I have ample opportunity of experimenting with our preparation."

As shown by a comparison with the letter (NI-9402, Exhibit 1692) presented by the Prosecution itself, the letter did not state:

"I have ample opportunity of experimenting with our preparation",

but rather

"especially as I have the opportunity to test out our new preparations."

The meaning of this difference becomes clear when one takes into consideration the fact that all preparations, which were sent to Dr. Vetter in Dachau were available on the market, i.e., could be purchased in any pharmacy, so that there could be no talk whatsoever about "experimenting".

The second quotation of the Prosecution in the opening statement:

"We are sending large quantities of the requested preparation to you....."

does not agree with the wording of the letter submitted by the Prosecution (NI-9403, Exhibit 1694). The letter states:

"Should you need any further quantities of samples, we would ask you to obtain them directly from the Pharma-Buero in Munich, as this is more expedient. We are, of course, always ready to supply you with additional samples, should there ever be a temporary shortage of any preparation at the Pharma-Buero Munich."

Finally the Prosecution's assertion that this letter was

signed by Dr. Mertens is false, as is shown by the same document.

Thorowith the Prosecution's assertions concerning the Dr. Vetter-Dachau complex are refuted, especially since no reports by Dr. Vetter concerning the application of the remedies sent to him have been presented.

Dr. Vetter then received preparation B 1034 later from Leverkusen (sulfanilamide preparation) and, as is shown by the evidence presented, used it in Monowitz and Mauthausen. In this connection the witnesses Dr. Mertens, Dr. Koenig and Dr. Luecker will certify:

- a) that Dr. Vetter, whom they know as a conscientious doctor, urgently requested his colleagues in Leverkusen for help in combating the epidemic typhus;
- b) that this preparation, which had already been tested by many other units, was given to him together with the expose;
- c) that preparations were never given to him which had not already been tested on other German hospitals and medical centers;
- d) that on the basis of experience this preparation could not cause harm to the health of any patient insofar as it was humanly possible to judge this;
- e) that Dr. Vetter never stated or reported that this preparation was ever applied to patients other than therapeutically;
- f) that he especially never mentioned the treatment of healthy persons who had been artificially infected;
- g) that Dr. Vetter in his reports or con-

versations never at all mentioned, that he had treated concentration camp inmates with this preparation, and consequently it was impossible for Dr. Mertens to report something to Elberfeld that might have led to the suspicion of it being misused.

In this connection I refer to the statement of the witness of the Prosecution, Pohl according to which the I. G. had nothing to do with neither the medical care of the concentration camp inmates nor with the providing of medicines for Monowitz; moreover that the works-management had no influence with regard to the appointment of the camp physicians and their treatment-methods; finally, that the camp physicians were under strictest orders of secrecy.

The Prosecution has linked Dr. Hoerlein with the therapeutic experiments with Methylene-blue, which Dr. Ding -- according to the Ding diary -- was to have carried out in January 1943 in the Buchenwald concentration camp.

For the Prosecution's statement in this connection that:

In September 1942 the defendants Hoerlein and Lautenschlaeger urged Mrugowsky to test the therapeutic effects of the preparations 3582 "Akridin" and "Methylene-blue" on Typhus, no evidence has been produced. I do not want to encroach upon the territory of the defense of Dr. Lautenschlaeger. As far as the preparation Methylene-blue is concerned, the effects of which upon the causative agent of Typhus were discovered by Professor Kikuth of Elberfeld, we refer

to the exposé to be submitted which shows that Methylene-blue was not a new preparation but to the contrary it had been known and on the market for decades and as far as could be foreseen it could not have any harmful, but rather some favorable effects upon the Typhus patients.

Now, I am going to skip the next sentence, I will submit them to the Tribunal in writing, I shall continue on page 19.

When a concrete deed is submitted to the judge for examination, the personality of the perpetrator is only of secondary importance. The psychological analysis is not essential for the causality of what happened.

Here things are different, I take it that in the Hoerlein case not even the evidence of objective causality can be submitted. However, in view of the Prosecution's attempt, to create a sort of assumption by construing certain peripheral connections with the aid of combinations, I am compelled to throw more light on Professor Hoerlein's personality. Obviously it is the tendency of the Prosecution to assume certain motives such as greed for power, national-socialistic attitude and from them to draw the conclusion of individual readiness to leave the path of ethics.

In supplementation of the evidence already submitted I shall submit numerous affidavits of Germans, Jews, and persons of foreign nationality. The result will be the picture of a man who during the bad years after 1933 preserved a courageous and noble heart, a man to whom great injustice is done if one calls him, as did the Chief Prosecutor, a "sickly spirit" and an "architect of the catastrophe". It is contrary to any experience in life and therefore cannot be accepted without concrete counter-evidence that a man who devotes his life to

the welfare of humanity, who day and night reflects upon how he can ease the sufferings of his fellow men, can at the same time cold-heartedly do things or permit things which would make the purpose of his life illusory.

In the Neue Zeitung I read yesterday of the ceremonial award of the Nobel Prize in Stockholm. Dr. Gerhard Domagk, Director of the pathologic laboratory of the Bayer concern, appeared for the presentation of the Nobel Prize awarded to him in 1939 for the discovery of the medicinal effects of sulfanilamide. Professor Domagk worked with and under Professor Hoerlein in the Elberfeld Farben plant.

Whereas the world pays tribute to Professor Domagk and thus also to the Elberfeld plant by presentation of the highest scientific award, the organizer and director of the Elberfeld plant, Professor Hoerlein, who was given honorable mention together with Professor Domagk by North American newspapers for work on the sulfa products, stands at the same time before this Tribunal as a defendant.

THE PRESIDENT: Now, Counsel, we have run over twenty minutes. Can you return by one-thirty and get your lunch, or would you prefer that we extend the recess to one-forty-five?

That seems to be the sentiment.

DR. BOETTCHER: Mr. President, our dining room is extremely over-crowded at present. I believe if we want to be punctual, we cannot be here before two o'clock.

THE PRESIDENT: Very well. May I just ask one thing further? Can you say a word, Doctor, are you keeping up with your schedule so far as the opening statements are concerned? Are we getting into any trouble in your schedule?

DR. BOETTCHER: I believe that a few Counsel will have the desire to speak a little longer, but that is only very few, and others to compensate for it will speak a little more

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briefly.

THE PRESIDENT: Very well, the Tribunal will now rise
until two o'clock this afternoon.

(The Tribunal recessed until 13.00 hours.)

AFTERNOON SESSION

(The Tribunal reconvened at 1400 hours, 18 December 1947)

THE MARSHAL: The Tribunal is again session.

DR. ACHENBACH (Counsel for defendant Gajewski): May I respectfully ask the Court to excuse my client from this afternoon's session, beginning with two-thirty?

THE PRESIDENT: On application made by his counsel, the defendant Gajewski will be excused from such parts of the afternoon session as desired.

DR. PELCKMANN (Counsel for defendant von Knieriem):

May it please the Tribunal:

The arguments of the Prosecution are directed in general against all defendants with regard to their position in or towards the NSDAP or their importance within the German economic life.

The defendant Dr. v. KNIERIEM held himself completely aloof apart from his formal entry into the NSDAP in 1942 from Party circles. His collaboration within the self-administration agencies (Reich Group Industry, Economic Group Chemical Industry) and state organizations was due to his recognition as an expert in questions of the patent-cartel and corporation laws and was limited to these specific fields.

The defense regarding the specific counts of the indictment necessitates an explanation of the position and the sphere of responsibility of the defendant.

Dr. v. KNIERIEM was - at any rate since 1938 - the first lawyer of the I.G. This designation and the meaning of this position can be understood only if one is familiar with the centralization system of legal matters at the I.G.

Dr. v. KNIERIEM was not the Chief of the legal department of the I.G., because such a department did not exist. It was also not his duty to take care of legal or judicial activity in such an enterprise is that of an auxiliary function, assisting the technicians and businessmen in their tasks and was like the latter completely

decentralized. A number of independent working legal departments existed, which advised on their own responsibility the technicians and businessmen of their respective offices. Herr von KNIERIEM did not supervise the activity of these legal departments and did not have to do so. A different regulation was impossible because of the size of the enterprise; it was impossible too with respect to the diversity of production and the complexity of the chemical field in general, which obliged the jurists in the various legal departments to become technically and commercially informed experts. Because of this independent working of the legal departments, the Central Offices for Contracts was set up, which however, at the conclusion of a new contract solely had to examine the question of a possible collision. Furthermore, the so-called legal committee existed. It met about twice a year under the chairmanship of Herr von KNIERIEM in order to receive reports and to coordinate certain general doubtful questions, such as submitted by Herr von KNIERIEM regarding his special field of activity of internal matters pertaining to corporation law, as for instance, general meetings, consolidated balance sheets, balances, capital changes, statutes, charters, loans, structural changes within the concern; further questions concerning the sphere of patents which played a large part within the I.G. and which was under the direction of Herr v. KNIERIEM, whereas it did not concern the duties of the other I.G. jurists.

Among the counts of the indictment which touch upon the spheres of Herr v. KNIERIEM's activity, or in which business events are connected with his name, are especially such events which are unjustly viewed as suspicious collaboration with military or other state authorities toward the preparation of an aggressive war. I shall show in detail that the treatment of patent matters was an unobjectionable one in every respect. The measures designated as "Camouflage" do not indicate in any way that the I.G. or my client had any knowledge of an imminent aggressive war, or even that the intention was prevalent to

promote such a war. The charges that the I.G. intentionally tried to weaken the war potential of other countries through its so-called cartels will be proved during the hearing of evidence to be completely unfounded since the purely private economic character of such agreements has been established. In that connection I shall go also into details concerning the contractual relation with the Standard Oil Co. of New Jersey, created with the collaboration of Dr. v. KNIERIEM which has been treated in detail by the Prosecution. Despite the large number of documents submitted by the Prosecution concerning the cartel question, I shall restrict myself to the fact essential for the trial, because I am well aware that the fundamental question of the value or non-value of cartels does not have to be examined either by the Prosecution or by the defense.

The personal knowledge of my client of the so-called rearmament measures which have been criticized by the Prosecution, and his attitude to them will be dealt with in the course of my statements.

In the course of the discussion of general questions, concerning all defendants, I shall submit facts pertaining to the joint responsibility of the Vorstand and the responsibility of the individual members of the Vorstand, and I intend to show in what manner the code of business procedure, submitted by the Prosecution, which had been drawn up at that time by Dr. von KNIERIEM, was handled in practice.

DR. BERNDT (Counsel for the defendant Tor Meer):

Mr. President :

Your Honors :

In his introductory speech General Taylor lodged the most serious charges against the defendants. He accused them of responsibility "for the most devastating and catastrophic war in human history, of wholesale plunder and spoliation, of mass enslavement and mass murders." These are the gravest charges which in any period of history were ever leveled against industrialists. Or against members of a vanquished nation of economists and scientists who did not hold offices as Ministers or

party leaders responsible for policies of state. What abysmal depravity is imputed to these individuals by the prosecution, the same men, who, until the outbreak of the war, collaborated on a basis of friendship with the industrialists and businessmen of America and the rest of the world in a spirit of sincere mutual confidence for their common profit and prosperity? Is it really intended to make this Court and the world believe that all of this was merely a farce, and that these industrialists had secretly plotted raids, lootings, enslavement and wholesale murder, and that they were capable of such fiendishness?

Through industrious labor, the prosecution has endeavored for more than two years to formulate a theory by which it hopped, candidly speaking, to build the steps to the gallows for the defendants.

The prosecution has tried to prove with a wealth of documents culled from mountains of Farben files, most of which were torn from their natural business contexts, linked together by an apparent systematic design and mixed with excerpts from Hitler's "Mein Kampf" — this much circulated but little — read book — basing the guilt on the theory of the alleged common knowledge — thus has the prosecution tried to prove that these defendants were guilty, for instance, of Hitler's crimes, of wars of aggression, indeed even of the gassings in Auschwitz.

The gravity of the terrible accusations with which the defendants are charged imposes on the defense the duty to set forth the true connections and facts with the greatest accuracy and most painstaking care, in order to help the Court to find the truth and to reach a just verdict. The fulfillment of this duty requires considerable time, which must absolutely be conceded to the defense.

Your Honors! In this place stood with your permission as first defendant Dr. Fritz ter Meer in order to cross-examine an expert. You will surely have gained the impression that he is a man who knows his business, indeed masters it to such a degree that he was completely absorbed by his work and cared for nothing else — least of all, as I

shall prove, — about politics. You have already read several of his important affidavits, for instance the one about the structure and development of I.G. Farben.

Dr. ter Meer expressed himself in these affidavits about many important happenings. Even though he might have erred in one or the other small detail — being in custody, he had to write without files about events which took place years ago — under no circumstances will it be possible to prove that he deliberately made an untrue statement. It is not necessary for him to give false testimony. Even if hard-pressed, he will not resort to lies. His is not the character to do this. What he did was not wrong — and still less a crime. My client, therefore, stands up for everything he has done. Since he is a good witness, I can use him to a large extent for my Proof.

The Prosecution accuses Dr. ter Meer under all counts except Count IV. Concerning Count V, the charge of participating in a conspiracy to commit war crimes and crimes against humanity, I refer to the motion submitted yesterday; this was the motion submitted yesterday by Dr. von Mettler, and because of the reasons stated in that motion I ask the declaration of Not Guilty for my client with respect to Count V. Regarding Count I, I consider the charge of the Prosecution, even on legal grounds, to be insufficient and, therefore, I submitted yesterday the motion resulting from these circumstances for a pronouncement of Not Guilty, which I repeat now.

Nevertheless, I wish to make clear, as a precaution, the following: My client decidedly denies having known anything at all about Hitler's and his close confidants' war plans, as set forth in the IMT judgment. With the greatest emphasis he rejects the assumption that he participated in, approved of, and knowingly supported these plans. His collaboration in the development and growth of Farben, especially in the field of synthetic rubber.

helped to increase the economic power, and hence necessarily, also the military potential. However, this in itself is not subject to punishment according to the findings of the IMT judgment. I shall offer proof that Dr. Weer, be it as head of TEA, of Sparte II, or at any other stage of his business career, was at all times guided in his activities by considerations of a purely economic character only. Pleasure not in destroying but in creating was always the mainspring of his actions.

My client was not free to choose when making his technical and economic plans. In this connection it appears necessary to briefly mention one general question, the one concerning the relations between the state and economy as it developed in Germany until the end of the war. The prosecution tried to picture the situation as if Farben, acting through its Vorstand members who now stand accused here, had made common cause with Hitler as his co-equal and co-powerful partner. This assumption rests on a complete misconception of the true conditions which prevailed in Germany. I therefore deem it incumbent on the defense to explain that in Germany the state played the predominant part in its relations with industry and that it increased its influence from year to year. I shall prove that this influence increased in the period following Hitler's accession to power in 1933 to such an extent that one soon could not even describe it any more as a guided, but merely as a dictated economy. In view of Hitler's cunningly contrived dictatorial system, industry could not escape this steadily growing tutelage by the state and its organs, to which in addition was combined that of the NSDAP and all of its agencies. That was impossible even for a corporation the size and importance of I.G. Farben. Although reluctantly, it was reduced step by step from the position of an independent company to a condition of working merely upon government directives. By orders and ordinances the state intervened increasingly in the plants and regulated - as will be shown by the evidence - numerous details in the fields of production and employment.

The prosecution left all of this out of consideration. It tried to convey the picture as if Farben itself had inspired or desired the measures concerned which preponderantly were taken to realize a common plan for the preparation and waging of aggressive wars.

In this connection the prosecution amongst other matters refer to Liaison Office (Vermittlungstelle) W in Berlin. I shall offer evidence that this agency was not of such far-reaching importance as is assumed by the prosecution, and that it had absolutely nothing to do with the planning of a war of aggression. At a time when the authorities exercised increasing influence on German private industry, it was absolutely necessary for a Konzern of the size of Farben to establish a Vermittlungstelle in order to keep up current contacts with the various official agencies, for the numerous works and offices, and to promote uniform conduct within the Konzern with relation to measures ordered by the authorities.

My client is pictured in the indictment as having deliberately prepared for a war of aggression by having carried out the synthesis of rubber. I shall prove that this is entirely erroneous. Merely because a Hitler held the reigns in Germany should Farben have looked into a safe its research work about the synthesis of rubber, commenced in 1906, and recognized by the entire scientific world? All measures taken by Farben in connection with the realization of the Buna syntheses prove its careful, economic and technical preparation and a reasonable procedure which was motivated by private-economic considerations, which finally led in 1936 and 1938 to the construction of the large plants in Schkopau and Huelo. These were not hastily constructed factories for an expected war, nor emergency shops for the military authorities - they were model plants of the German chemical industry, which, according to Farben's and my client's intentions were to offer to thousands of employees and workers a secure and happy future under normal, peaceful conditions.

The prosecution now makes the assertion that Farben, in agree-

ment with the Nazi government, deprived the United States of just this technique of manufacturing Buna, by not informing its American contractual partner, the Standard Oil Company, of the so-called "know-how" in order to weaken the American war potential. I shall prove that this assertion does not coincide with the facts.

Since the situation was entirely different in the United States, because there was no lack of foreign exchange which permitted the purchase of good and cheap natural rubber according to demand, the application of the complicated German Buna process, based on carbide as raw material, had from the beginning little prospects of success. Nevertheless, measures were taken in this matter in the United States, which, however, were without practical results. Consequently, Farben developed, since about 1937, a specific process for the United States, which was based on natural oil as raw material. In the latter part of 1938 my client offered this process, which in the meantime had become reasonably perfected for manufacturing purposes, to the Standard Oil Company, and in complete agreement with it, worked out a plan to materialize this process in a major plant. In addition it was demonstrated to the technical engineers of Standard Oil at the experimental plant in Oppau. Calculations made jointly with Standard Oil showed an American cost price which approached that of natural rubber. One of Farben's top experts informed the American tire industry in 1939 of all details concerning the production of tires protected with Buna. Then war broke out and wiped out the development which came so close to be realized. These are the facts which I shall prove.

In the course of the presentation of the proof by the defense it will be shown that the entire peace production potential of Farben was not created with a war of aggression in mind, but was based on considerations of a peacetime economy.

The shadow plants which had been built for war emergencies were of infinitesimally small proportions in comparison with the rest of Farben plants, and were, without exception, erected upon government orders.

Not Farben, but the Reich owned and financed them.

Your Honors, All economic and technical achievements of any industry serve the progress of nations and are to improve the people's standard of living in every country. That such achievements should at the same time strengthen the war potential is an unavoidable consequence of the effects of modern war, which is fought with a totalitarian concentration of all technical resources. An example may illustrate this point:

When Nylon was perfected after ten years of work by the well-known American firm of Dupont, the underlying motive was surely a peaceful one, in this case the task to provide women with better and more durable silk stockings. Well, — Nylon was used during the war as parachute silk by American and English fliers. Nobody will, on that account, accuse Dupont of having prepared a war of aggression.

Concerning Count II, it appears to me that the legal opinions set forth by the prosecution are not suitable for justifying the charge of criminal conduct by my client. I shall argue this aspect in my final pleadings. Today I want to point out only one idea, the concept of a total European economic area, — which formerly gained weight in many leading economic circles of Europe, — an idea which even today, though in a somewhat different form, is proposed by many political, economic experts, including some in America. These viewpoints shaped my client's aims to maintain, operate and improve, as far as possible, these foreign enterprises, in the general interest of the national economy as well as for the welfare of the employees and laborers.

My client took part in the negotiations leading to the founding of Francoeur. The defense will prove that the founding of Francoeur was based on sound economic considerations. It was intended to promote mutually satisfactory cooperation in the fields of dye-stuffs and organic products, and to eliminate frictions which had persisted for decades. Farben put at the disposal of the above-mentioned spheres of work its full treasure of technical experience. It paid for the transfer of French participation rights, amounts equal to the value of the

the plants and rights taken over.

I now finally turn to Court III, concerning slave labor. In this court the Prosecution made the most morally serious charges. As far as these accusations are directed against any of these defendants, they bear the wrong address. The defendants cannot be charged as criminals because foreign workers and also concentration camp prisoners were employed against their will in Farben works. The defense shall offer evidence that in these instances Farben merely executed binding orders issued by competent authorities concerning the allocation and employment of foreign workers, prisoners of war and concentration camp inmates, in the same manner as all of German industry was compelled to do. Any resistance to these orders was entirely impossible. It would have been nipped in the bud immediately and punished by the most drastic measures as sabotage of production ordered by the state without any prospects whatever of changing the labor conditions of these workers.

What Dr. ter Meer knew about the employment of foreign workers drafted for labor service and of the utilization of concentration camp inmates he shall tell you himself on the witness stand. He decidedly refutes the charge that he knew anything at all about ill-treatment. Your Honors, you have come from America to pronounce a verdict in Europe. You are citizens of the United States of North America and you are to pronounce sentence upon these Germans. Yours is the duty to sit in judgment about events which took place in Germany and Europe. This task of yours is difficult. These events occurred during a period which not even we Germans are in a position to explain or comprehend.

We of the Defense will help you as much as we can in this difficult task. We bear the title, "Rechtsanwalt", Attorney-at-law, which means that we are defenders of justice. We shall do our part, with all of our might to insure that in this trial, one of the greatest in world history and surely the greatest in the annals of economics, there will be only one victor, - Justice.

Dr. Hellmuth Dix for the defendant Christian Schneider:

Your Honors:

Within the framework of the general defense, I shall discuss the subject of foreign labor, i.e. the fundamental legal problems resulting from it and pertaining to Count III of the Indictment - the subject concerning Prisoners of War and ordinary prisoners will be dealt with elsewhere within the framework of the general defense. In respect to the problems which I shall discuss, the Prosecution considers all defendants guilty. The Prosecution bases its opinion to a large extent on the judgment of the International Military Tribunal. That judgment, however, referred to persons who exercised political leadership and guidance in introducing and carrying out the forced labor program. Consequently, it also dealt primarily with the methods by which the public authorities recruited and secured workers for the German military economy. Type of work performed at the place of employment as well as living conditions were discussed by the International Military Tribunal, within the framework of the entire program, only in reference to bad conditions which were mainly due to official directives or to their effects in connection with the war events and should, therefore, only be attributed to the responsible leading persons involved in that trial. The specific legal and factual conditions, to which the German economy and particularly the individual private industries were necessarily subjected in the course of events, were discussed in detail neither in the judgment of the International Military Tribunal nor by the Prosecution of this trial.

In this trial, too, it will be the task of the Defense to point out these conditions. Owing to the modern technique of warfare, Germany was gradually forced to make its entire manpower available for armament purposes and other necessities of this struggle.

The other European countries, too, experienced a similar development. I shall submit to the Court the basic legal provisions in this respect. Even in non-totalitarian States, the conception of a compulsory labor service prevailed more and more during and after the war. As the war progressed and the requirements of the troops increased, the manpower available in Germany by

no means sufficed to cover the demands of industry and agriculture. The Government therefore decided to cover these requirements by utilizing the population of countries occupied by German troops, or by other European countries. This was done at first by voluntary recruitment and later by so-called labor conscription. I shall present documents to prove the methods by which was done. Everywhere the details of procurement and treatment of foreign workers were regulated by laws or decrees or international treaties. Neither were provisions for welfare and leisure overlooked.

In view of this comprehensive program, the smallest details of which are subject to official regulation, the average German entrepreneur in all fields of economy never entertained the thought that there was anything illegal or even criminal or inhumane in employing foreign workers, provided he took proper and good care of them in accordance with the respective regulations. Hundreds of thousands, yes, even millions of farmers, craftsmen and industrialists were in the same position. With the increasing effectiveness of modern technical warfare on land, at sea and in the air, the life of their people came to be directed and regulated in all details by government measure. It would probably hardly have occurred to any one of these German businessmen to have checked the legality of these events on the basis of traditional German conceptions of International and public law and it would have been most difficult in National-Socialist Germany during the war, owing to the secret location and transfer of many libraries to do so, but even so, he would not have been able to refute the general conceptions outlined above. Within the scope of presentation of evidence, I shall also briefly deal with this and its historic reasons. Perhaps the argument may be put forth that these Germans might have been taught better by a study of foreign systems of international law.

This leads me to the last and most important point which I shall discuss when presenting my evidence and which excludes the culpability of the individual private industrialist and farmer, in connection with the employment of foreign labor. In this modern, so-called "total" economic war the production - regardless of its type - carried out by the manager of a large

industrial or agricultural undertaking was always of a decisive importance for the outcome of the war and he was actually not in a position to oppose successfully the foreign labor program. Mere criticism as such would probably have resulted in destroying the livelihood of the person concerned and in detention in a concentration camp which would have involved loss of freedom and perhaps even loss of life. The judgment of the International Military Tribunal itself confirms that after the consolidation of the power of the National-Socialist regime, all criticism was strictly prohibited, even as early as before the war, and any free expression of opinion was absolutely out of the question. Furthermore, a large plant would never have been able to fulfill its production orders without the allocation of foreign labor and its manager would in such case have been convicted of sabotage and treason, in accordance with the extremely severe regulations, which I shall also submit to the Court. But this would by no means have had any effect on the allocation of foreign labor.

On the other hand, not only would the livelihood of such a man and his family have been destroyed, but, in accordance with the psychological laws of dictatorships and their reaction to opposition, the lives of people near to him would have been to the highest degree imperiled. Consequently, such opposition on the part of a private business man, which at the best would have proved useless, was not only in fact impossible, but, in accordance with the judgment of the International Military Tribunal, could not have been justified from a moral point of view.

The responsibility for a political program such as the slave labor program may therefore only be placed upon the political leaders, as was done by the judgment of the International Military Tribunal. These alone even during a war were in the position to obtain knowledge of the legal and factual aspects required for a decision in this question. For a private person, this was made impossible, by means of the strict control and strong influence exercised on sources of information by law, terror and propaganda as applied in National Socialist Germany. Hundreds of thousands of German industrialists and farmers had therefore no other choice but to provide to the best of their ability with

or even beyond the limits permissible for the foreign labor allocated to them.

My colleagues and I will prove, in the further course of the presentation of evidence concerning the individual plants, that Dr. Schneider and the other defendants, after having first, only very reluctantly, submitted to the conditions of the foreigners entrusted to them by law and the authorities. I shall further prove that, in doing so, they only acted in conformity with the spirit of an exceptionally outstanding performance in social work known generally to be in the tradition of IG.

I am convinced that this evidence and the establishment of the true facts are, for this Tribunal and for the public, the best answer to the charges and the contention of the Prosecution, that IG had, within the framework of its foreign labor program, participated in enslavement and mass murder on a tremendous scale. Consequently, I consider it right to spare the Tribunal and myself the trouble of replying to the strong words of the Prosecution in a similar manner.

After concluding the presentation of evidence on this fundamental problem of Count III of the indictment, I will apply myself to dealing with the personal responsibility of the defendant Schneider and the problems connected herewith. I shall prove that the defendant was a socially minded and just works manager and a successful inventor and technician, a man who abstained from politics, loved peace and never intended to prepare military aggression either by his work or by any other means or to lend his support to such preparations.

My defense colleagues, and particularly my learned friend von Netzer submitted yesterday in his motion of the Defense have already emphatically and convincingly shown that, up to now, the prosecution has in no way substantiated its statement to the contrary, or furnished proof in this respect.

The Tribunal, however, has not yet decided on this point. If it should later prove necessary, I shall - in fulfillment of my duty as Defense Counsel - present evidence that the technical tasks and achievements in the sphere of work of the defendant Schneider served peaceful aims in peacetime and in no

way served to prepare aggressive war. Neither from these or any other sources was Schneider able to recognize the aggressive intentions of Germany's political leaders. The defense will show, that even in war time, he only complied, like millions of other Germans, with the orders of his government as fulfilled his duties as a citizen. These facts exonerate Schneider from responsibility in all parts of Count I of the Indictment.

With regard to Count II of the Indictment I shall probably examine only the defendant as witness, because the events dealt with by the Prosecution do not in any way fall within his sphere of work. In answer to the question of the Tribunal, he himself pleaded not guilty under this Count. In my final plea I shall furnish the grounds for the correctness of his answer, which are based on the evidence of the Prosecution and the entire Defense Counsel.

Finally, I shall once more refer to Count III of the Indictment and shall prove the nature and limits of Schneider's responsibility, particularly in his capacity as Betriebsfuhrer of Leuna and chief Betriebsfuhrer of IG, referring to the provisions of the law and actual practice, within the framework of the evidence to be presented by me. This will prove that Schneider, within the limits of his responsibility in everything he had to deal with or which had otherwise come to his attention, did everything possible in conformity with the Law and even more, in order to fulfil his legal and human duties. It ensues from these facts that he should not be charged under Count III of the Indictment.

I shall probably not deal personally with Count V of the Indictment but will refer to the statements of my defense colleagues; however, I do intend to present evidence to prove the fact that the defendant Schneider was not a member of the SS, i.e. a criminal organization within the meaning of the judgment of the International Military Tribunal.

The career of the defendant Schneider was determined not only by his professional achievement, but primarily by his character, particularly by his strong sense of justice and responsibility. It is my conviction that the same must and will also prevail in respect to the outcome of this trial, in accordance with the arguments presented by the defense.

With the permission of the Tribunal I should briefly like to state the following in connection with the trial brief of the Prosecution, Part II. The trial brief shows how little a businessman, even a normal jurist, can always survey consequences which arise from the unfortunately vague principles of International Law. According to this brief the relationship of Germany to Austria and the Sudetenland the population of which countries enthusiastically and according to the majority's will annexed itself to the German Reich, with hardly any protest but even approval on the part of foreign countries, falls under the regulation of the Hague Land Warfare Convention. On the other hand the attacker should not be denied the privileges of the conception of this regulation since in every war, every state usually considers itself as the one attacked.

This reasoning shows how necessary it is, in view of many international legal theories, to make responsible only the political leaders for the decisive intentions of their governments. The judgment of the International Military Tribunal which was politically influenced by the Charter, has followed the best traditions of our science in this matter.

DR. HOFMEIER: Your Honor, may I first of all say that my opening statement on behalf of Otto Ambros will take approximately twenty minutes to read. Will the Tribunal prefer, under these circumstances, to have the recess now?

THE PRESIDENT: I believe it would be better to give you the twenty minutes now and take the recess at the conclusion of your statement.

OPENING FLEA AMBROS

May it please the Tribunal,

My Opening Statement for Otto Ambros cannot contain merely statements of exonerating evidence as against the assertions raised by the Prosecution.

Because of my information about Otto Ambros I am also compelled to give you, Your Honors, in this Opening Statement, a description of the significance which is attached to this man's work.

Otto Ambros is a chemist driven by spiritual avocation and passion.

The enormous development of a decisive part of modern organic chemistry is inseparably connected with Otto Auer as a chemist.

In this connection I am thinking of the construction of the first plants for the manufacture of synthetic rubber, the development of the many new plastic matters, the solvents and synthetic resins, the intermediates for the manufacture of synthetic dye-stuffs, pharmaceuticals and hundreds of other chemicals.

It may be that this list will only give the expert a precise idea of the real volume of Otto Ambros' work.

To describe the actual significance of his work in its effects on the daily life, however, would go beyond the scope of this Opening Statement.

Otto Ambros who following his period of apprenticeship with Richard Willstaetter, started his industrial career with Farbman in 1927, regarded I.G. Farbman as a chemical enterprise exclusively.

It may be true that the merchant and the financier could offer him the outward scope, but that was all, for Otto Ambros found his inner satisfaction in chemistry. At the age of 36 already, after he had worked for about 10 years in the I.G., Otto Ambros was called into the Vorstand. At that time he was neither a Party member nor did any other connections take any effect.

Owing to the field of work which Otto Ambros represented in the Vorstand he necessarily continued to restrict his activities to the fields of science and chemical engineering as one of the leading chemists in organic chemistry.

He personally directed a number of important specialized branches

within the I.G. Farben. There was no time left for official functions outside of his firm.

The evidence will show that Dr. Otto Ambros, in a sharp distinction to the totalitarian organizations of the Reich, endeavored to retain for himself the freedom of the scientist and technician.

He voiced objective criticism on the over-organization of the state leadership since this had become unbearable for the industry.

Already during the Prosecution's case the Tribunal has given Otto Ambros the opportunity to explain in a cross examination his technical field in the pictorial description of a mighty tree with many branches.

An expert of the Prosecution confirmed the fact of the commanding significance which this modern chemistry represented for the peace in particular, as compared with the few branches which exclusively served the military armament.

The evidence will confirm this impression and clearly prove that Otto Ambros did not exert any influence with regard to the establishment, speed and growth of the plants insofar as they served the armament.

The evidence will furthermore show that the three branches in connection with which Otto Ambros is being held responsible, namely, poison gas, preliminary products for powder, and above all, synthetic rubber, were much too weak at the beginning of World War II for surviving a modern war, much less so to serve the preparation for a war of aggression.

At any rate, Otto Ambros could not conclude from his sphere of tasks that Hitler would plan a war of aggression.

During the war his feelings were those of a German - and who will blame him for that - but, in spite of the intensive influence exerted on the individual by the dictatorship of the Third Reich and also in those horrible times when it was an almost weekly occurrence

that one of his plants and his own home-town was hit by a blanket of bombs, he calmly examined where the limits of this dreadful struggle could be found.

It is indeed this very point which the defense will elucidate in an especially extensive manner.

What is left in the frame of such a full life the days of which do not exceed 24 hours either has evidently so far not been apparent to those who, beyond all this, want to hold Otto Ambros responsible for the acts with which he as a chemist had nothing to do at all.

This, at the same time, brings us to the attitude of the Defense with respect to Count II of the Indictment: "Plunder and Spoliation."

In this field too, where the name of Otto Ambros is twice mentioned by the Prosecution we find him in his capacity as a technician. But I can be very brief.

His activity in directing the operations of the Francolor Plants only began after the company had been founded and the French factories were to start their operations.

This conduct and activity of Otto Ambros were the subject of a thorough investigation by that state which, as the party mainly concerned, was able to apply an especially stringent evaluation.

In view of the fact that after the war Otto Ambros was again fully confirmed as an expert by France and, as I shall state in due time, he was given recognition by France in a very conspicuous manner, anyway there is no need for me at the present time to express my opinion.

The matter "Dark Russia" was already during the Prosecution's case the subject of objection by the defense which apparently seemed to be justified.

In as much as the Defense will continue to concern itself with this matter this will only be the case in connection with the question of conspiracy, after the Tribunal has decided.

However, the representation of Otto Ambros' personality as a whole will show that the charge of conspiracy is without basis.

The picture which the defense has drawn of Otto Ambros above will neither change by the fact that Otto Ambros, ostensibly as a so-called "Generaldirektor" of the various plants which he founded, developed or took over, appears within the I.G.

Otto Ambros was a technical director and in his work he always remained a chemist.

This fact should again and again be repeated in this Court.

The human aspects in the plants where he interfered in a directing or advising capacity were always resounding for him, and he gave immediate help when asked for support.

Considering, however, the abundance of his routine tasks of research, development and technique in his plant establishments he could depend on the fact that those in responsible positions and the men enjoying his confidence would fulfill their tasks.

To expect more from Otto Ambros lies neither within the scope of the possible nor of the human.

These ideas bring us to Count III of the Indictment which the Prosecution calls Slave Labor quite curtly.

The charge of Otto Ambros' participation in a program of organization and exploitation of slave labor must be rejected with all determination.

The procurement of workers did not belong to his sphere of tasks.

This was under the direction of the state and in its individual effects depended on the most various circumstances and authorities.

There is no doubt that in any case Otto Ambros and all his colleagues would have preferred to employ German voluntary workers. However, the decision whether this was possible and what actually happened later did not rest with him or with the directors of his plants.

The question whether it was possible for him to prevent the use of foreign workers or inmates of concentration camps must be answered

in the negative.

Besides, this question is meaningless for the present as it has not even been determined yet that the employment of forced labor and prisoners by the plants constitutes a crime in itself.

Wherever this employment was prohibited by the Hague Convention for Land Warfare and the Geneva Convention, in plants which manufactured equipment for warfare against the country of which the employed workers were citizens, such an employment has never taken place with the knowledge and consent of Otto Ambros.

I have already stated above that Otto Ambros has never failed to give help when he was approached by anyone.

In this direction the defense will show exactly where Otto Ambros has given his help.

Otto Ambros will show with justified pride the photos of the plants which had been submitted to him, and which will also give an idea of the human side for which he cared.

The Defense will fight with all determination against the attempt to bring the appalling acts in the concentration camps of Auschwitz and Birkenau, of which we know today, into connection with the construction of the I.G. Plant near Auschwitz.

In selecting the site of the IG plant east of Auschwitz only technical circumstances were decisive.

With respect to the personality of the defendant Otto Ambros it constitutes a tragic misconception of the over-all circumstances if the Prosecution attempts in perspective distortion to view his scientific and technical accomplishments from the point of view of preparing a war of aggression, of plunder and spoliation or the use of foreign workers and concentration camp inmates.

Today Otto Ambros still retains the interest in chemistry as a chemist by avocation towards his creation of the Buna section of the Auschwitz plant and at the time the plant was founded he placed the

some considerations and problems into the foreground which today induce the Poles to reconstruct the plant without the existence of a concentration camp on its grounds.

My appendix to this Opening Statement will show the Tribunal by what ethical and scientific traditions the chemist Otto Ambros and his technical colleagues felt themselves bound in their work, which gives a summarized description of the pioneer achievements of the I.G. chemical enterprise as it was also stressed by General Taylor in his Opening Statement.

Pioneer Achievements of the Plants of the I.G. Farben Industry

In the present trial of the United States of America against one of the greatest industrial undertakings in the world, the I. G. Farben Industry, the Prosecution used the expression "by perverted chemists".

This charge against a body of first-class scientists and engineers can only be explained by the difficulties of understanding the chemist's way of thinking. This might be exemplified in a simple experiment:

Sodium, a metal soft as wax, lighter than water, reacts to water by producing fire and explosions.

Chlorine is a yellowish green gas which destroys all organic life and because of this quality was used in World War 1 as the first chemical warfare agent.

The union of these two aggressive elements, however, produces nothing else but our harmless cooking salt.

This special structure of chemistry conditions the mode of working and methods of research of the chemist; without taking them into consideration it remains incomprehensible why the chemical industry by a necessary logical sequence also created products, the development of which is today brought against it as a reproach.

In the second quarter of the preceding century after clearer knowledge of the structure of animate nature had replaced vague ideas about the connection between life and matter the spell was broken which up to then had decisively hampered the free development of chemical science. Now knowledge quickly led to the explanation of a number of natural products which man had already made use of for centuries and which he was now permitted to hope he could produce even outside of the natural cells of growth and independently of the rhythm of birth and death in animate nature.

Among the finest products of the early period of this new development is numbered the production of artificial dyes, with alizarin and indigo at their head. For almost twenty years the chemists of the

Badische Aniline and Soda-Works in Ludwigshafen on the Rhine had to struggle in competition with those of the Hoechst Dye Works with the problem of making artificial indigo which was cheaper and more beautiful than that which nature offered in the cells of a few plants. The problem was solved. Natural indigo sank into oblivion.

In this case man had only imitated the natural product, accurately copied in its inner structure. Still more remarkable were his successes in creating completely new dyes for which nature furnished no example whatsoever.

Thus in the course of about half a century thousands of new dyestuffs were sent out into the world by the laboratories and plants of the subsequent I. G. Farben.

In beauty and brilliance, in variety and permanence they surpassed the some two dozen dyestuffshitherto known and used to such an extent that today practically no natural dye is used any more in the civilized world.

The world-famous trade-mark of the light-resisting dyes (Indanthrenfarbstoffe) is the symbol for this.

A further field of application for increasing human happiness is also offered to the chemist in the field of artificial precious stones, of natural color film, products which benefit the great masses of humanity in particular. The Agfa Color Film Company considers its task to be not only that of increasing the affect of naturalness on the moving picture audience, but through the accurate reproduction of processes in nature, of masterpieces of art, it should furnish suggestions to an ever increasing extent to science and art.

A second distinguishing mark of I. G. products has achieved a world reputation, the Bayer cross as a symbol for remedies.

In 1888 the Friedrich Bayer & Co., Elberfeld, at that time a dye-works, decided to add the production of medicines to the manufacture of dye-stuffs. What relation had been established between these two apparently

alien fields of activity in this factory?

Just like dyer man had up to then secured most of his medicines exclusively from the plant and animal world. Did they represent the best which he needed for his purposes? In the meantime the chemist had won the right to answer this question in the negative. Actually many of these products, such as opium, morphine and cocaine, were very dangerous poisons for the human body which besides their curative effects induced far-reaching injuries of another kind.

The intensive occupation with the numerous chemical compounds which had been created chiefly in the service of dye research, the knowledge of their inner structure which had made great progress in the meantime, and the experience acquired in their methodical production justified the chemists in the working hypothesis that it also ought to be possible to produce pharmaceuticals chemically and that they might be much more suitable in their specific effect on the sick body than the natural drugs, most of which consisted of numerous single compounds. The systematic pharmaceutical research issuing from the Elberfeld plant at that time doubtlessly contributed decisively to the fact that during the last fifty years the average lifetime of a human being has been increased by almost twenty years. The products of the I.G. in the field of vaccines, hormone preparations and vitamins have also contributed to this.

Aspirin and Pyramidon, Gardan and Combral, Evipan, Luminal and Veronal, Novalgian and Novocain, have brought healing and the alleviation of pain to millions of human beings throughout the earth.

Chemical therapy stands in close connection with this. As one branch of the field of medicine it bears the task of combatting the bacteria and other microorganisms, in the human body by chemical means and thus to heal the diseases caused by them. The difficulties of the problem to be solved here become apparent if one realizes that here it is a question of killing off organisms which are subject to the same laws

of life as the cells of the human body. It was, therefore, a question of destroying the bacteria without injuring the body cells. The problem posed appeared insoluble.

Systematic observations and their logical utilization, however, led to the goal. The sensation and the enthusiasm awakened by the introduction of Salvarsan in the practice of medicine can only be understood by one who knows how lengthy and imperfect were the previously available methods of treating syphilis.

Chemical therapy also had very great successes in the war against tropical diseases. Malaria, which is spread over almost the entire world and of which alone according to statistics 700 million people fall sick and 2 million people die every year, could not be stamped out, although quinine, the only remedy which was to any degree effective against malaria, had been used for 300 years. Moreover, the secondary effects of quinine also cause serious harm to the human body and 50% to 70% of malaria patients treated with quinine suffer relapses.

In contrast to this let me give a statistical example of the effectiveness of the I.G. preparations Atebrin and Plasmochin: On the plantations in the Malay States 3,500 out of 23,000 people were still sick with malaria in 1930, of whom 60 died. Through the systematic application of the above-named remedies of the I.G. the number of sick up to 1934 declined to 879, that is by 75%, and the number of deaths to 13, that is by 76%.

Another devastating tropical disease is sleeping sickness. For example, of the population numbering 40,000 of one of the tribes in Uganda (Africa) 20,000 people were carried off by sleeping sickness within two years. The British had to evacuate the remaining 20,000 natives as quickly as possible, or the entire tribe would have succumbed to certain extinction.

After years of labor in the laboratories of the I.G. the remedy was found in Germanin (Rayer 205), which destroys the carriers of sleeping sickness in the blood. The importance which was attributed to this discovery, especially abroad, is shown by the statement of the English biologist Huxley of Oxford University, who wrote: "The discovery of the German Germanin is probably much more valuable to the Allies than all the preparations which were originally demanded by them."

Against kalaazar (black sickness), a disease chiefly prevalent in India and China, I.G. brought out Neostibosan, which causes this disease to disappear in the course of a treatment of only one week, while avoiding all the secondary effects which developed from all the previously used preparations. No less devastating — especially for Egypt — is a disease called "bilharzia" by which 10 million out of 14 million inhabitants were attacked. In appreciation of the great importance of one remedy discovered by the I.G. for this disease King Fuad of Egypt gave permission for it to be given the name of "Fuadin".

Likewise up to the discovery of Prontosil and Uliron by chemists of the I.C. no effective remedy had yet been found for combating streptococcus infections, which include, among others, the dreaded puerperal fever. It is, therefore, understandable that the medical profession of the entire world received this new remedy immediately with great enthusiasm. In a few years hundreds of scientific treatises appeared on the application and effectiveness of this new preparation. So vehement did the demand for it from all countries in the world come to be that after a short time the first manufacturing plants in Elberfeld and Leverkusen, which had been amply equipped for the new pharmaceutical, proved completely inadequate.

The labors of the I.G. in the field of combating insect pests by chemical means point in the same direction of research. The extraordinary importance of this work is expressed in the saying "man only harvests

what the insects leave for him". Insect pests threaten not only our food, but also our household furniture, our clothing and our health.

A new chapter begins with the development of technical catalysis, which has probably exercised and continues to exercise a very lasting effect on the shaping of our existence.

At its beginning stands the technical fixation of atmospheric nitrogen according to the HABER-BOSCH process.

OPENING PLEA AMBROS

As early as 1898 Sir William Crookes delivered a speech before chemical, agricultural and military experts at the British Association in Bristol in which, among other things, he said: "The wheat crops of the world depend on Chile's nitrate beds; a world famine is inevitable if we do not succeed in extracting nitrogen from the air in the form of fertilizer." And further: "The question of nitrogen fixation is a question of life and death for the coming generation."

The importance of the problem for all humanity is indicated in this statement. To be sure, nitrogen is available in unlimited quantities, since it makes up about 80% of the air in the atmosphere, but the plant cannot use it in this form. It must (first) be chemically united with other elements and thus be transformed into substances which, as was already known for a long time before this, are indispensable nutritive salts of plants. For example, the salt of ammonia with nitric acid, both of which are nitrogen compounds, and urea, are salts of chemical compounds of this kind. But now nitric acid is at the same time the basic substance for the production of almost all highly effective explosives and thus it comes about that the life-saving industry of nitrogenous fertilizers stands in close contact with the life-destroying industry of explosives. There is no more convincing proof of this deplorable fact than the frightful catastrophe which was visited upon the Oppau plant of the Badische Anilin- und Soda-Fabrik in the early period of the synthesis of ammonia where a fertilizer silo exploded and 561 men lost their lives in the destruction of almost the entire plant.

When shortly before the first World War by exerting all its energies the Badische Anilin- und Soda-Fabrik solved the extraordinarily difficult problem of the technical fixation of nitrogen compounds from the air, it had in mind only the peaceful application of its invention. That this offered sufficient attraction becomes clear if one knows that

in 1931 alone Germany had to import 775,000 tons of Chilean nitrate with a value of 171 million marks.

The inventor of the engineering process, Carl Bosch, was honored with the Nobel Prize in 1932. This fact is especially remarkable insofar as the Nobel Prize Committee here for the first time conferred on a man from the engineering field the high distinction which hitherto only men of science had received.

The technical development of the ammonia synthesis according to Haber-Bosch at the same time opened a door to new, unsuspected possibilities. For the first time problems of chemical engineering had been solved with this synthesis which previously had to be considered impossible to work out successfully. Through them men had learned how to carry out chemical reactions on a very large scale under a pressure of several hundred atmospheres and under close to red-hot temperatures. Men had further learned to develop metal alloys, apparatus and armatures which could stand up to these extreme requirements for a long time, and finally men had gathered valuable experience in the field of catalysators and measuring technique which previously had found only little admission into chemical engineering practice.

The cooperation of all these individual factors was expressed in the following period by the rapid development of a number of new major chemical products, headed by that of methanol, synthetic gasoline and synthetic rubber.

The importance of methanol as such is not so obvious. In its chemical by-products, however, it plays an extraordinarily important role in daily life. A large part of the plastics, synthetic resins, solvents, tanning agents, etc., of important consumer goods are to be traced back to methanol as an indispensable component for them.

To be sure, there were other ways for I.G. to make this important base before the development of the technical means for the synthesis of methanol, but they were very limited and therefore the production was very low and the methanol expensive. Only the method for the synthesis

of methanol of I.G. produced enough quantity at the necessary low price. Just like the ammonia synthesis, the methanol synthesis was also first developed at the Ludwigshafen plant of I.G. Today it is used in a great many industrial countries on the I.G. patents.

Ammonia and methanol synthesis belong to the group of hydrogenation processes, under which the chemist understands processes by which hydrogen is chemically combined with other substances. The layman has become most familiar with this branch of chemical processes through the hydration of coal, which is usually given the obvious name of coal liquefaction.

The geologists and the experts of the oil producing and processing industry know that the oil supplies of the entire world are nearing depletion at a frightening rate. Therefore it is one of the tasks of research and technology to search in good time for solutions to this threatening situation.

Furthermore, in an evaluation of the benzine synthesis, the question which every chemical synthesis brings up, is the synthetic product better than the natural product, (can be answered in the affirmative). Certain synthetic fuels are superior to the chance product which nature has made from animal and vegetable deposits, through certain transforming processes, in the course of the history of the earth, for instance as regards a very high efficiency which modern high powered motors, such as air plane motors, require.

The achievements of I.G. in this field were the conquest of the difficulties inherent in transforming a laboratory experiment into industrial production, and in introducing catalysis into the process. This tremendous problem could only be solved through the consciousness of duty of the pioneer tradition of the I.G. plants and with the experience and know-how of its chemists and scientists.

The Nobel Prize Committee saw the correlations correctly when in 1932 it awarded the Nobel Prize besides to Bosch, to Bergius too, who in his first ground breaking work had indicated the scientific way

from coal to benzine.

The efforts to produce synthetic rubber are based on the same thoughts and problems, except that the technical problem was different. The difficulties here lay in the internal structure of the highly complicated rubber molecule.

Research chemists and physicists assume that the large rubber molecule is built up of hundreds of thousands of Isopren molecules. They form themselves into large chains, which themselves are drawn together into a bundle. The chains lie in a space next to one another, like pencils which are fastened together in a bundle, but which can be pushed out of place. In this limited movement there is an illuminating picture of the elasticity of rubber. It becomes even more clear when you elaborate the example by having these long chains connected with each other by a few loose hooks.

Therefore, if one wants to produce rubber artificially, one must first make the links of the chain that will be suitable for the construction. Chemistry found many ways of accomplishing this. Then these beginning products must be so combined as to produce the material that is closest to natural rubber, or even superior to it.

Since the chemist here is in competition with nature he has developed a working method which also occurs in the cells of a plant. It is to be understood that in the selection of the chain links and in the influencing of the joining of these chain links there lies the possibility to breed special qualities, which then must lead to the most varied kinds.

Technically the synthesis of rubber demanded the development and combination of extremely difficult and complicated processes. I.G. took a decisive step along the way to synthetic rubber in 1928 when it invented polymerisation (Mischpolymerisation) which led for the first time to a stable milk that was similar to the latex of the natural rubber.

In order to fully appreciate the importance of the synthesis of rubber it must be remembered that the natural produce must also first undergo a chemical process, namely the addition of sulphur and other substances at high temperatures, before it receives the qualities which make it usable for high grade tires. Whether the synthetic product can replace the natural one, like natural indigo was replaced by the artificial dye, will depend on whether it can be developed into a cheaper and in every way superior material. That is very probable. For special uses the oil-proof Parbunan of I.G. has already overshadowed the natural product which is not resistant to oil and fuels.

From a broad viewpoint the production of synthetic rubber furthermore offers the opportunity to free giant rubber plantations for food production and to stop the exploitation of laborers whose work consists of painstaking tapping of trees at the lowest wages.

Now that countries like America and Russia have begun the industrial production of synthetic rubber on a huge scale, there can hardly be a doubt that the path which has once been successfully followed will not be deserted again.

American circles have called this age the age of "artificial products", in reference to the designations of stone age, bronze age and iron age. Although this description possibly goes too far in its generalization, nevertheless it cannot be denied that the artificial products have had such a development in the past decades, as to influence the way men live to a greater and greater degree.

As the knowledge of man about the internal structure of matter increased and as his means and methods were perfected and became more complicated, so the technical ability to make new materials chemically also increased.

New developments point more and more plainly towards total synthesis from chemical elements and simple chemical combinations, which are given the high molecular structure characteristic of artificial material by means of poly-condensation or polymerisation.

It begins to sink in that here, on account of the practically unlimited possibilities in the choice of original materials and of methods, it is possible to give the final product any desired quality that will best suit it to human needs.

All industrial countries of the world, and especially the USA in the past two decades, are participating in the development of this wide field. Here the chemistry of the superpolymides should be remembered, whose most impressive representative is the nylon thread, which will have a great effect, especially on the textile industry, on account of its superb qualities.

The artificial products of the I.G. Farben industry are mainly made from acetylene bases - products like polyvinyl chloride, polyvinyl acetate, polyacrylester, polyvinyl ether, and polystyrol have found numerous uses in the most diversified modifications and are now established in industry and in the home. The development of the chemistry of the acetylene and the ethylene has broadened the field of aliphatic chemistry tremendously in the last two decades. It has at its disposal today the experiences and equipment of catalysis and the high pressure technique which was created by the school of Carl Bosch and left behind as the greatest inheritance of its pupils for the development of new fields in chemistry.

These exemplary merits have also been recognized by science, in honoring one of the leading chemists of I.G. for these special achievements by conferring on him the title of doctor honoris causa at the recommendation of a world famous scientist. The document conferring the degree expresses it as follows:

"The faculty thereby honors his outstanding achievements in the development of the technique in the field of macro-molecular chemistry, for the introduction of new polymerisation processes and the development of synthetic materials and of buna."

In summing up let us recall only one fact, because it is of a documentary nature: In 1937 there was a great international exhibition in Paris showing "Art and Science in Modern Life". An international jury judged the achievements of the countries and of their exhibitors. I.G. Farben received nine of the highest awards alone (Grands Prix):

- 1) for its Indanthren dyes,
- 2) for its Brontosil, the most effective agent against coccus infections,
- 3) for its high pressure process to make benzine from coal,
- 4) for its buna,
- 5) for its vistra fibre,
- 6) for its cellophane,
- 7) for its light metal "hydronelium".
- 8) for its "Eulan", the most effective protection of textiles against moths,
- 9) for its color film "Agfa-Color-Neu"

Your Honors, since we are here concerned with the trial against one of the largest industrial enterprises and since I am representing Ambros, who is a technician, a chemical scientist, I deemed it to be necessary to bring to your attention the chemical side of the question. I hope that as far as I, as a lawyer, can judge it I have succeeded in doing that without making many chemical mistakes.

THE PRESIDENT: The Tribunal will now rise for its recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. FLAUCHSMER: Flauchsmeyer for Justerfisch.

Your Honors!

The Prosecution has sketched, or rather has tried to sketch a picture of the accused Vorstand members of I.G. Farbenindustrie, a picture which is abounding in mistakes in perspective, misdrawings, misrepresentations and distortions. From their viewpoint the Prosecution arrive at judgments which were in no way justified by actual facts. The accused were men "who stopped at nothing". These were the words of the Chief Prosecutor when referring to them in his opening statement. He accuses them of "unmitigated presumption and unbounded scorn for the laws of God and man", and further maintains that "they judged themselves alone as fit to sway the destiny of the world. All their judgments sprang from a bottomless vanity and an insatiable ambition." For the rest he says: "They made of their power their only and highest God." Such accusations and recriminations are to be heard throughout the whole of Prosecution's speech. What is there in it on the other hand that is true? I cannot concern myself here with the accused as a whole, but shall confine myself to the accusations levelled at the accused Dr. Justerfisch, whom I represent, with reference to the whole of his activities within I.G.

He has been a member of I.G. for 35 years. First in the laboratory, and then as Works Assistant in the Louisa plant; he advanced until he finally took over, together with his colleague Schneider, the entire management of the Louisa plant; he advanced until he finally took over, together with his colleague Schneider, the entire management of the Louisa plant, a post which he filled until 1945. It is the career of a gifted, capable, chemist and technician, whose life was taken up with the development and extension of chemical synthesis in the sphere of coal, which in the course of the Prosecution's speech became known to the Court as the sphere of production of Sparte I. The extent of the duties undertaken by Dr. Justerfisch with his gradual

incorporation into this great field of research, development, and technical extension cannot be estimated from the fact of promotion into a new position with I.G.,. It rather developed organically and grew with the ability to recognize technical possibilities in any sphere, to develop them, to appreciate them properly and to organize their utilization. In such a large and leading chemical firm as I.G. Farbenindustrie, people with such ability could come to be specialists in their particular field and not only be recognized as experts inside Germany but as first class specialists beyond the boundaries of the Reich. It can indeed be said that Dr. Bueterfisch was considered as such a technical expert in the field of nitrogen, and later that of mineral oil and its auxiliary branches. He was instrumental in the development of synthetic nitrogen, and synthetic mineral oil and hydrocarbons, and was responsible for the technical and orderly functioning of the plants for which he had been made responsible. It is obvious that a man who is outstanding for his achievements in his special field will have many calls made upon him by his firm as well as by others, and that his co-operation will be sought from all sides. So it came about that Bueterfisch's duties grew, but not, as the Prosecution maintains, out of personal ambition, but simply as a result of his technical ability, his diligence, and his organizing capacities.

When the development of German internal economy made greater demands on the utilization of German raw materials, a development to which the economic leaders had been forced for want of surplus foreign currency, Herr Bueterfisch had conferred upon him a number of duties connected with Sparte I. His activity, however, was always confined to technical duties, or those connected with technical organization, within his own field. Thus from 1934 onwards, he was Head of the Technical Commission in the Nitrogen Syndicate, and as early as 1931 was elected Chairman of the Technical Experts Committee at the International Nitrogen Conference, by all nations taking part. He was made a member of the governing board of various companies. Like many other German

scientists, technicians, and industrialists, he was inducted for honorary co-operation into the Office for Economic Development and being a specialist in the mineral oil branch during the war, he was appointed the deputy leadership of the Economic Group Fuel. It would be absurd to try to conclude from these private economic and other activities of his, in official and semi-official offices, that he had knowledge of the latest intentions of the Government, especially as the Government revealed its intentions only to the highest members of the Supreme General Staff and the Minister for Foreign Affairs. We cannot go into the activity of the German Economic Groups here, nor can we enter into the general activities of an honorary nature of the most varied technicians for the Reich Office for Economic Development. Instead it will be sufficient to indicate that the purely technical, economic duties which my client had to carry out within the sphere of his work had not the slightest bearing on political questions, let alone political decisions. In this connection the Prosecution authorities are trying to construe a connection between this activity of my client and the offences which Control Law No. 10 designates as criminal. In the course of the evidence I shall have to explain this activity of my client in more detail.

The Prosecution has endeavored to bring the responsibility for political events, for governmental measures, and in particular for the waging of wars of aggression into close association with the achievements and work of the accused, including that of my client: work in the field of the chemical engineering research, and development in new fields, such as is everywhere customary in the economy of any state. Quite apart from the fact that on all these counts the Prosecution are lacking any conclusive evidence for the connections they assume, some individual accusations will be briefly considered in the following.

From a visit to Hitler made by my client in 1932 on the request of his firm, and merely for the purpose of seeking information on questions

concerning mineral oil, the Prosecution deduces an alliance between I.G. and Hitler. Apart from the fact that at that time Dr. Buetefisch was in no way authorized to represent I.G. in a responsible fashion, since he had not yet become a member of the Vorstand, the Prosecution has no evidence at all from which to deduce the existence of this alliance. This alliance is now further connected with the conclusion of a petrol agreement in December 1933. It should be mentioned at this point that evidence will be produced to show that there is no connection at all between this visit and the petrol agreement. The very nature of the petrol agreement included in the documents shows that this agreement was concluded with the Reich on a purely economic and commercial basis, and that there can be no question of any influence exerted by the Party on the Government offices drawing up the agreement. We will substantiate this fact with further evidence.

In connection with this count an opinion will be expressed on the claim that I.G. synchronized their production with the German war machine, with particular reference to products coming under the technical direction of my client. I shall also submit evidence on this count showing that the connection claimed by the Prosecution is a meaningless construction, and clearly proving that in all the foregoing cases it is a question of normal economic developments. In particular I shall examine the accusation made to the effect that Dr. Buetefisch, knowing about the fact that the Third Reich was planning wars of aggression, arranged an exchange of experimental data with American firms in the field of hydrogenation in such a way that the war potential of these countries was thereby weakened. I will go into the question of the exchange of experimental data in general, and the work it involved for my client, and shall prove that the claims of the Prosecution are rendered untenable by the actual results of the exchange of experimental data which took place.

In Count II of the Indictment, the members of the Aufsichtsrat of Continentale Oel A.G., one of whom was my client in his capacity

as representative of I.G. Farbenindustrie, are made responsible for the execution of measures which the management of Continental Oel A.G. had to carry out in connection with the Eastern campaign on the orders of high Government offices.

At the time of the submission of this evidence by the Prosecution I raised an objection and the matter was thoroughly discussed in the meeting of 20 November 1947. I shall return to this point at the appropriate time. I shall discuss what business activity the firm in question has developed and the question at issue then will be whether the Vorstand of the IG or Dr. Gustafsch had any opportunity to claim or to exert influence on the business management of Continental Oel AG. The legal interpretation which was expressed on the occasion of the submission of evidence by the Prosecution will also play a part in this.

I shall examine further cases brought forward under Count II of the indictment for my client only in so far as they are brought forward within the framework of the joint responsibility of the Vorstand of the IG asserted by the Prosecution, and only when it is necessary for the refutation of the legal joint liability asserted by the Prosecution.

Under Count III the Prosecution brings serious charges against the I.G. officials, and thus against my client also, on the grounds of their employment and treatment of foreign and forced laborers. Intentions or even methods such as are described by the Prosecution in their evidence as crimes against humanity are not the practice in the history of the development or in the conduct of the affairs of the IG, whose achievements and general attitude with regard to social welfare were recognized far beyond the German borders. To justify their charges against the officials of the IG, who in fact embody the general attitude of the enterprise, the Prosecution has submitted a mass of evidence which was supposed to reveal the illegal engagement of workers and their treatment in the individual IG factories, particularly in Auschwitz. A critical examination of this evidence must be reserved until

a later time. It can, however, be said even now that the Prosecution has committed a fatal error in using purely local occurrences which have nothing to do with the IG or the IG factories as a screen and in generalizing from, and describing as typical, isolated cases which the witnesses have mostly submitted not from personal observation but from hearsay, and the Defense questions their admissibility. It has also never been elucidated in how far IG employees actually took part in incidents described in the Prosecution's evidence. On this subject the Defense will submit evidence from various quarters which will set the evidence submitted by the Prosecution to rights on the essential points.

In order that my client could be included in the charges brought, an attempt is made to make him responsible in general for questions of labor allocation.

Quite independently of the factual examination of the above-mentioned Prosecution evidence, it will be the task of the Defense to investigate to what extent responsibility for the events submitted by the Prosecution can be deduced from Dr. Bueteffisch's sphere of work. On this matter, due consideration will have to be given to the far-reaching division of labor and the allocation of tasks to the administration of the individual factories within IG, which were the main factors in making the work of the whole enterprise possible. In my presentation of evidence I shall bring proof that my client, within the limits of the functions and tasks entrusted to him, did everything in his power through the selection and supervision of the supervisors or Betriebsfuehrer allocated by him or through the administration of the Sparte, to ensure that the orderly administration of the plants was achieved. The various Betriebsfuehrer will, moreover, affirm in evidence that the plant management was indeed carried out in a proper and fair manner; any divergence from the faultless conduct of the IG would otherwise have to have been brought to the attention of my client or of the Sparte administration.

In my client's well-defined sphere of work for the technical and organizational interest of Sparte I within IG, he had no

decisions to make on special questions of the engagement of workers and their welfare. Besides his work as technical director of Leuna and chairman of various technical committees in syndicates and Economic Group, he was chief supervisor of technical planning for the Sparte I building projects, such as Moosbierbaum and Auschwitz. I consider it expedient, however, to point out that my client was never chief of an IG Farben plant or of any other enterprise, so that he did not even belong to the Enterprise Advisory Council of the IG and consequently did not take part in the conferences of the Betriebsfuehrer.

It is therefore also misleading if the Prosecution tries to make the members of the Aufsichtsrat, and my client as chairman of the Aufsichtsrat of Fuerstengrube G.m.b.H., responsible for the allocation of workers in the mines or the treatment of prisoners in the plants of this company. I have already pointed out that on legal grounds this standpoint of the Prosecution is untenable. I shall confirm this opinion through submission of further evidence, and prove that my client could not and did not exert an influence on the plant management and business management of these independent enterprises, so that my client's responsibility in this connection cannot be considered.

Under Count IV of the indictment my client was charged with having been a member of the SS since 1 September 1931 and a member of the Circle of Friends (Freundeskreis). I shall prove that my client was never an active member of the SS, had no command, belonged to no society, performed no service in the SS, but that he was merely a so-called Honorary leader and that these are not to be considered as active members of the SS. It has already been pointed out here that the IMT judgment did not condemn persons charged before it because they belonged to the SS, in so far as they were

purely honorary leaders. More evidence will be brought on this point too. On this assumption, however, Dr. BUETE-FISCH cannot be condemned for belonging to an organization which has been declared criminal. In this connection the evidence on the Circle of Friends presented by the Prosecution in support of their assertion must be gone into and by the presentation of further evidence the nature of this so-called Circle of Friends will have to be subjected to a closer examination.

On Count V of the indictment the examination of the Prosecution's assertion will reveal through the submission of further evidence that there can be no question of Dr. BUETEFISCH's having taken part in a common plan to commit war crimes. In the interrogations which preceded the Prosecution's investigations details were required from my client which he had to produce purely from memory, with no data. This gave rise to partially erroneous statements which were disclosed when Dr. BUETEFISCH had the opportunity to look up documents. In so far as such erroneous statements were found to have been made, these will be corrected in the course of the personal interrogation of my client.

DR. VON METZLER (Counsel for defendant Haefliger):

May it please the Tribunal:

In addressing Your Honors on behalf of my client Paul Haefliger, I do not propose to deal with the allegations of the Prosecution incriminating the activities of I.G. and its policy as such. Those general subjects will be covered by some of my colleagues in order to avoid repetitions.

Therefore, Your Honors, what remains to be said in the case of Paul Haefliger is to raise the question of his personal responsibility for the policy of I.G. pursued

before and after the outbreak of the war, which the Prosecution is blaming as having been criminal from the beginning to the end, whereas the Defense maintain that this was definitely not the case, and that the Prosecution in presenting their evidence have grossly overshot the mark.

In reviewing the incredibly vast amount of evidence which the Prosecution have introduced in this case, there is among various other things one point which strikes the Defense particularly. It is the incredibly small amount of evidence -if any- which the Prosecution have put in on the question of the personal responsibility of each defendant for what has happened. Apparently the Prosecution maintain that I.G. was a criminal organization set up for the purpose of subduing or destroying whatever became entangled "in its deadly network". The Vorstand members of this dangerous organization apparently, in the view of the Prosecution, are responsible for whatever happened in this vast and complex concern, which in the indictment has been referred to as "A State within the State". The Prosecution, as far as I can see, do not attach any special weight to the question whether and to which extent the various defendants were personally connected with the numerous activities of I.G. which are dealt with in the indictment. In order to avoid the necessity of going carefully into this complicated question, the Prosecution have, in the first place, introduced the charge of conspiracy as to practically all counts of the indictment. In the second place, to bear out their allegation that all Vorstand members are jointly responsible for the activities of their company, they are referring to the German Commercial Law and the By-Laws of I.G., which--by the way--have been wrongly interpreted by the Prosecution.

I do not wish to be hard on the Prosecution, but I regret to say that this approach to the problem of the personal responsibility of the defendants is—among others—one more striking example of the deplorable fact that the Prosecution apparently have not considered carefully enough the grounds of the IMT judgment.

As to the conspiracy, the Prosecution as far as I can see have not introduced any special evidence bearing out the fact that all defendants agreed to do or caused to be done the criminal acts alleged in the indictment. I may refer in this respect to the grounds of the IMT judgment which on page 16882 of the Transcript states the following with regard to the prerequisites of a conspiracy to commit crimes against peace. Quote:

"The Tribunal must examine whether a concrete plan to wage war existed, and determine the participants in that concrete plan."

-- further quotation, page 16883 of the Transcript, reads as follows: Quote:

"But the evidence establishes with certainty the existence of many separate plans rather than a single conspiracy embracing them all."

In my humble opinion the Prosecution has not established any participation on the part of the defendants in any separate plan to wage war, not to speak of a conspiracy of the defendants with such aim.

Moreover, according to the IMT judgment, the conspiracy cannot be charged as a separate crime with regard to the crimes against humanity and war crimes. Reference is made in this respect to the arguments advanced by the Defense during the morning session of October 29th, Transcript page 2963. Therefore the Defense feel that the conspiracy as such cannot be considered as a legally sound approach to the problem of the personal responsibility of the defendants.

As to the second point which the Prosecution has made in order to establish the personal responsibility of the defendants, namely their alleged joint responsibility for the affairs of I.G. under its By-Laws and the German Commercial Law, I am afraid that in doing so the Prosecution is mixing up two kinds of responsibilities; one which is viewed from the angle of civil law and the other which has to be considered from the point of view of criminal law. In this respect the Defense feel that the following remarks in the grounds of the IMT judgment are of utmost importance. The IMT when dealing with the accused organizations (Transcript page 16929) and questions of judicial discretion connected therewith states the following:

"This discretion is a judicial one and does not permit arbitrary action, but should be exercised in accordance with well-settled legal principles, one of the most important of which is that criminal guilt is personal, and that mass punishments should be avoided."

End quote.

Now in my humble opinion there can be no question that I.G. is not to be considered as a criminal organization in the meaning of the Charter of IMT. If, therefore, the IMT when dealing with the responsibility of members of criminal organizations require that their guilt must be personal, this all the more—or to adopt a legal term: a fortiori—must apply to members of the Vorstand of a private enterprise, who are not members of a criminal organization.

If the Prosecution would have gone more carefully into the grounds of the IMT judgment, they would have found again and again how the IMT—apart from the aforementioned example of the criminal organizations—in assessing the criminal responsibility of the various defendants let itself be governed by this important principle that "criminal guilt is personal".

I may respectfully draw Your Honors' attention to the fact that for instance the Reichs-Cabinet being in a broader sense a "Vorstand" of the enterprise "German Reich" with practically unlimited powers both political and economic and knowledge of facts which were not accessible to others, in spite of these circumstances has not been declared a criminal organization and therefore the members of this Cabinet have not been indiscriminately found guilty on the charges raised in the IMT indictment. The IMT has very carefully considered the state of mind of each defendant and has acquitted several defendants of various charges, notwithstanding the fact that these defendants belonged to the small group of men being the incarnation of the political will of the German people.

From all this, Your Honors, it appears that in a criminal trial of this nature contrary to a civil law suit the responsibility of a Vorstand member must be derived exclusively from the facts and circumstances of his personal case, to wit: from his actual position within the frame-work of his company and his actual connection with the alleged crimes. In other words: It is his

actual position alone that counts when assessing the criminal responsibility of a Vorstand member and not the provisions of the By-Laws of the company respectively of the Commercial Law dealing only with his responsibility from the point of view of civil law, and it is on the basis of these actual facts that I propose with Your Honors' permission to present the case of Paul Haeffliger and to introduce the evidence dealing with his personal responsibility. I would stress however most emphatically that my client does not propose to shun any responsibility for activities which fall within the special field of which he was in charge. Moreover - let there be no misunderstanding whatsoever - that in definit his limited scope of responsibility, my client is absolutely convinced that none of his colleagues was governed by any considerations other than normal and fair in any dealings concerning the business of I.G. and that therefore none of his colleagues can be incriminated with regard to such activities.

In the first place the Defense would like to respectfully submit that "personal guilt" in the meaning of the IMT Judgment is criminal intent and not negligence, the latter not being declared punishable neither in the Charter nor in Control Council Law No. 10. Therefore it is besides the issue of this case to consider the question whether my client as a Vorstand member had the duty to investigate certain activities of I.G. of which he did not have personal knowledge and to prevent or otherwise oppose same, and whether by not doing so he has neglected his duty. The only thing that matters in my humble opinion is therefore his actual personal knowledge of the existence of such alleged criminal activities and, apart from this knowledge, his taking thereupon a consenting part in these activities. I may respectfully draw Your Honors' attention to the following passage in the grounds of the judgment of Tribunal No. II in Case No. IV "Pohl and others" (Transcript page 8111), bearing out the fact that knowledge alone is not sufficient to convict a defendant on charges of this

nature and that apart from this there must be established some sort of a positive activity on his part. I quote:

"The only consent claimed arises from imputed knowledge nothing more. But the phrase "being connected with a crime" means something more than having knowledge of it. It means something more than being in the same building or even being in the same organization with the principals or accessories. The International Military Tribunal recognized this fact when they placed definite limitations on criminality arising from membership in certain organizations. There is an element of positive conduct implicit in the word "consent". Certainly, as used in the ordinance it means something more than "not dissenting".

End quote.

The first task of my defense, Your Honors, therefore will be to prove the actual position of Paul Haefliger within the gigantic framework of I.G. and it is here where the facts come in.

In their just mentioned judgment re Pohl the Military Tribunal No. II has made the following interesting remarks on the question of the actual position of the defendants within an organization (Transcript page 8079): I quote:

"At the outset of the testimony, the Tribunal realized the necessity of guarding against assuming criminality, or even culpable responsibility, solely from the official titles which the several defendants held. The Tribunal has been especially careful to discover and analyse the actual power and authority of the several defendants, and the manner and ex-

tent to which they were exercised, without permitting itself to be unduly impressed by the official designations on letterheads or office doors."

End quote.

On the basis of these observations, which once more bear out the contention of the Defense that in a criminal trial the actual circumstances under which the defendant lived and acted and not his position as viewed with the eyes of a civil lawyer are relevant, we respectfully submit to Your Honors that I.G. was such a huge and complex concern, that it embraced such a large number of the numerous fields of modern chemistry including also activities beyond the scope of chemistry as coal-mining, film industry and other fabricating industries, that it was absolutely unthinkable in view of this gigantic scope of business to assume any fair and expert knowledge of facts by a Vorstand member which were outside the special field allocated to him within this vast organization.

We submit that in fact the principle of decentralized centralization was put into effect to a large extent within the I.G., in other words, that in reality the different Sparten and Verkaufsgemeinschaften were practically independent firms, and that therefore the Vorstand members being in charge of those Sparten and Verkaufsgemeinschaften actually conducted their current business in a manner not dependent on the knowledge and consent of the other Vorstand members who in their turn had their own special tasks.

We respectfully submit that within this huge agglomeration of big chemical firms significantly called "I.G.", which derives from the German word "Interasson-Gemeinschaft" - meaning in English "community of interests" - Paul Hefflinger had a limited purely commercial task being a member of the staff of "Verkaufsgemeinschaft Chemikalien", of which he was neither the appointed responsible leader nor the deputy leader. This task, Your Honors, before the outbreak of the war mainly

consisted of negotiating and supervising international conventions for various individual products in the heavy chemicals field, which involved numerous and prolonged visits abroad. These activities coming to an abrupt end at the outbreak of the war, Paul Haeffliger gradually gave up his connection with the heavy chemicals field, took a second domicile in Berlin and practically limited himself from thereon to the supervision of the department "M", which erroneously has been interpreted by the Prosecution as meaning "metals", and to odd jobs in the metal field.

Turning now to Count I of the Indictment I may refer to the motion of the Defense filed with this Tribunal during the morning session of December 17th, in which the Defense submitted that the Prosecution have failed to make out a *prima facie* case because according to the grounds of the IMT judgment the responsibility for crimes against peace is limited to a small group of leading personalities who had a special knowledge of certain secret plans of Hitler.

Apart from this the Defense will introduce evidence that Paul Haeffliger had no knowledge whatsoever of any aggressive war being aimed at by the German government and that in view of his actual position he never was asked about nor concerned with any question relating to technical problems of planning and erecting Mob-plants.

Moreover it is submitted that Paul Haeffliger is a Swiss citizen and for the time from 1934 up to 1938 was the Swiss Consul in Frankfurt. Therefore his collaborators insofar as they were under pledge of secrecy by regulations had to withhold from him, informations about such matters.

As to the stock-piling of nickel it will be shown that this in view of the prevailing conditions was a natural precaution which by no means meant a preparation for an aggressive war.

Apart from this, evidence will be introduced on Paul Haeffliger's attitude towards the various foreign business-partners showing that he always conducted negotiations on a purely business-like and friendly basis, never pursuing any aims of weakening the potential and develop-

ment of non-German industries, not to speak of making use of such opportunities for Nazi-propaganda. In addition the Defense will introduce extracts from speeches which Paul Haeffliger held in his capacity as Swiss consul before the Swiss colony in Frankfurt showing his democratic spirit and his love for peace. For completeness' sake, I submit that Paul Haeffliger never was a member of the Nazi party nor of any of its affiliations nor did he hold any position in the government or the semi-official economic group "Chemical Industry" (Reichsgruppe Chemie).

Turning now to Count II of the indictment, the cases of alleged spoliation in Austria and Sudetenland-Czechoslovakia have been already dealt with from a legal point of view in the motion filed by the Defense with this Tribunal during the morning session of December 17th.

Moreover evidence will be introduced showing that these cases by no means can be termed as acts of spoliation. The part which Paul Haeffliger played in these transactions will be put into the proper light.

The above-said applies to any other acts of alleged spoliation with which the Prosecution try to connect my client.

Turning now to Count III of the Indictment the Defense submit that, bearing in mind his position as a commercial man, Paul Haeffliger never had to do anything with the employment of workers or any other question connected therewith and that he had no connection whatsoever with any activities covered by this count of the indictment. Although the Prosecution have not introduced any evidence on these points, the Defense of Haeffliger will offer proof bearing out this contention.

As Paul Haeffliger is not concerned by Count IV of the Indictment and the charge of conspiracy under Count V has been dealt with already, this, Your Honors, brings me to the conclusion of my Opening Statement.

Your Honors,

A gigantic canvas of evidence on the activities of one of the

biggest concerns in human history has been unfolded before you by the Prosecution in these past months. And in all of us there was revived the recollection of the most cruel war within the memory of men which forms the lurid and tragic background of this trial.

This Honorable Court represents the proud tradition of a great country, which always stood for human liberty and dignity, and it is in the light of this tradition - we humbly submit - that, if we are to pay tribute to the victims of this most terrible of all wars, we cannot do better than to let ourselves be guided not by emotions, political generalisations or hearsay, but by facts only which enable us to judge beyond any reasonable doubt of the responsibility of each defendant for what has happened.

And it is in this dispassionate spirit, Your Honors, that I shall try to discharge my duty as counsel of the defendant Paul Haefliger before this Court.

DR. PRIBILLA: Mr. President, Your Honors! Like all great chemical factories, IG also had special technicians who in quiet, tireless labor made use of the ingenious discoveries of the chemists and doctors and planned and constructed in actual practice the mighty plants where the processes conceived in the laboratories became a reality. As Chairman of the Engineering Committee Director Jackno was the first among these special technicians, a man whose qualifications as an engineering technician were in keeping with the size of the company which had placed him in this position and whose tremendous working sphere claimed all of his powers without exception.

The position of an engineer in a chemical factory is different than in other factories where the engineers make a practical use of their own inventions. Because of this special position of the engineer in the chemical factory my client had no influence on the question as to what should be produced and to what extent. They did not come to him until after the question whether the plant should be built and what was to be produced there was already decided. He was then the man who was asked how the plant should be built most efficiently, and who then also had to look after the necessary general installations, such as power plant, rail installations, wharf installations, workshops, etc.

Jackno was Chief Engineer in Hoechst and since 1938 Deputy Plant Manager. By the nature of things his influence was less considerable in the other plants of the IG, since there were chief engineers there whose position in the organization was equal to his. Only his position as Chairman of the Engineering Commission (since 1931), as member of the Technical Committee (since about 1933) and as at first deputy (1934) and later (since 1936) regular member of the Vorstand gave him any greater actual and personal influence.

Even in the Engineering Committee (TEKO) he was only "primus inter pares". Here his main task was to utilize the latest advances in physics and engineering technique for the installations and plants of Farben. Furthermore, the Teko had to furnish cheap sources of power in large

quantities, finally to make the knowledge acquired in the individual factories useful to the others, to see that the entire engineering system was conducted in a uniform way, to train young engineers and skilled workers, and to take part in discussions of personnel questions. The Toko was only one of the 30 committees of the Technical Committee (TcA). Not all credits, therefore, were submitted to it for an opinion, but only those as concerned technical engineering questions, and the opinion of the Toko was accordingly given only from the engineer's point of view.

The Defense will prove that outside of these technical tasks which required his full attention Jaehne had neither the opportunity nor the desire to bother about the politics of the Third Reich. Besides this it will show that he was known to be a foe of any policy of war and violence. In spite of this the authorities at that time understandably wanted to make use of the outstanding knowledge of this man and made him a member of the Beirat of the Reichsgruppe Industrie (Advisory Council of Reich Group Industry). However, he did not engage in any active work in this position any more than as Military Economy Leader (Wehrwirtschaftsfuehrer), a title which the Reich Ministry of Economics conferred upon him, not until the war, at a time when it was already merely a title and required no preliminary examination as to political reliability. His work in the honorary offices conferred upon him, lay, as the list of them shows and as will be proven in detail, always and exclusively in the purely technical field.

If I compare the counts of the indictment with the points of evidence of the Defense I may, after the statements of the speaker before me, completely save myself any general remarks.

Director Jaehne did not take part in the planning and waging of wars of aggression, in any case no more than did some farmer who tilled his field and during the war contributed the products of his labor to feeding the soldiers. Just as this farmer my client only did his duty as a citizen and nothing of a criminal nature.

Jaehne's position as the first engineering technician of Farben naturally resulted in his technical advice being sought in the field of

air raid protection also, where indeed mainly the construction of air raid shelters was involved, at any rate purely technical matters. However, it will be shown that this was a question of a plainly defensive nature, which had long been taken into consideration in all endangered nations. Going beyond this, the Defense will show that in keeping with his entire character which was completely set on work of a peaceful nature, Jaehne went slow, was economical and opposed the demands of the Armed Forces whenever he could.

As his position required Director Jaehne also participated in preliminary work for the employment plans of the Hoechst plant in the case of mobilization. It will be shown that this had nothing to do with a war of aggression either, but kept within the bounds of the measures of national defense customary in all countries. His activity was limited to giving the figures in projects and concerning raw materials for the technical engineering branch which would be needed for the production foreseen for this branch of the plant.

Besides that I shall prove that the Hoechst plant, like the other Mainau plants, did not supply any real armament products. They were definitely geared to peacetime production. The investments were also used accordingly. If in the course of the war certain intermediate products of peacetime industry were used as intermediate products of war industry, then this is a necessary development and a phenomenon which lies in the nature of the chemical industry, which indeed in the final analysis always resorts to the same original products. The only exception is the sulfur trioxide-chlorosulfonic acid solution (Nebelsaure) which was already being supplied for military purposes in peacetime. However, Hoechst had already supplied this before 1933 to the small German Army and tiny German Navy for purely defensive purposes. The explosive hexogen was neither invented nor manufactured in Hoechst. On the contrary, some chemists at the plant merely discovered a new manufacturing process in the laboratory and indeed in 1935, at a time, therefore, when Director Jaehne was not yet Deputy Plant Manager of the Hoechst plant and Deputy Manager of the Mainau plant.

In the count relating to "Spoliation" the name of my client is mentioned in the documents of the Indictment only in connection with the oxygen and acetylene factory in Metz-Diedenhofen. In this matter several letters of information have been forwarded, among other places, also to Director Jaehne. Any active participation on the part of my client cannot be construed from these documents. The defense will prove that the negotiations were conducted by the commercial and legal department while the technicians were only consulted in regard to questions of assessment. The defense will further prove that actually only a lease and not a sale was concluded and that the value of the plant increased quite considerably as a result of the investments made by the I.G. Farben. Jaehne had no knowledge of the fact that shortly before the end of the war a small installation from a Polish factory had been shipped to Offenbach on the Main, since only a few machines with the insignificant value of about RM 20,000 were in question, and in view of the fact that the Hoechst plant had neither induced the sale nor received any information about it. Herr Jaehne had nothing to do with the recruitment and the employment of foreigners and concentration camp inmates carried out by the I.G. If applications for credit, submitted by the plants for the construction of huts for German workers and foreign labor passed through the office of the Technical Committee, or were approved in technical respect by the Engineering Committee, it was nothing but a formal procedure in view of the fact that the type of huts, their numbers and size, including the buildings for a specific number of workers, had been fixed for a long time and therefore also the costs for each bed space. The funds were granted to the individual plants which requested them for the improvement of the workers' quarters and a rejection would have resulted in a deterioration of the foreign workers' lot.

As regards the conditions in the Hoechst plants the defense will prove that the number stated for loaned workers etc. in the graph Exh. 1559

(NI 7 376 A), Document Book 68, page 17a, is incorrect and bound to be misleading in view of the fact that no inmates of concentration camps had been employed in Hoechst at all. In refuting the affidavit De Bruyn, Exh. 1367

(NI 11613), Document Book 69, page 207, evidence will be submitted that the employment of foreigners and prisoners of war was conducted in an appropriate manner and was not in violation of Article 31 of the Geneva Convention, dated 27 July 1929. Furthermore it will be shown that arrangements had been made for adequate housing, food, good medical care, schools, sewing rooms, and that the plant manager, Professor Lautenschlaeger and Herr Jaehne, as his deputy, made particular efforts to this effect. Accordingly, the treatment of the foreigners in Hoechst was decent and humane. Beyond this, arrangements had also been made in a generous way for recreational facilities. There were large club-rooms with radio, newspapers, libraries, canteens, athletics fields, sporting equipment, theater, moving pictures and above all, the possibility to attend religious services. On the part of the plant management everything was done that was possible under the unfortunately prevailing war conditions. It was due to his technical engineering position that Jaehne inspected many plants of the I.G. for the purpose of solving any special technical problem. Thus, he also paid a brief and fleeting visit to the Farben plant in Auschwitz. It can be proven that he did not enter the Monowitz concentration camp during this visit and has not seen anything which ought to have induced him to interfere with the independent management of this plant which did not belong to his jurisdiction. Neither has he obtained a knowledge of gasings based on own observation or any knowledge going beyond rumors. The defense for the defendant Jaehne will open its arguments through interrogation of the defendant in his own case and thereafter will conclude by producing of documents and affidavits as well as the interrogation of a few less important witnesses.

THE PRESIDENT: May I inquire, counsel, as to approximately how long it will take you to present your statement?

DR. HATH: Mr. President, probably a little longer than half a hour. I should be grateful if you would consider this time appropriate for the recess so that I could begin tomorrow morning with my opening statement.

THE PRESIDENT: I think it is probably better, rather than to expect counsel to have a break during the course of his opening statement. The

18 Dec. -A-LU-26-3-Winabuck (Int. Katz)
Court VI - Case VI

Tribunal will at this time rise until 9:30 tomorrow morning.

(The hearing adjourned until 19 December 1947 at 0930 hours.)

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UNITED STATES MILITARY TRIBUNALS NURNBERG

**CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 15**

**TRANSCRIPTS
(English)**

19 December 1947 - 13 January 1948 pp. 4838-5190

Official Transcript of Military Tribunal VI,
Case VI, in the matter of the United States
of America against Carl Krauch, et al, de-
fendants, sitting at Nurnberg, Germany, on
19 December 1947, Justice Shake presiding.

THE MARSHAL: Persons in the court will please find their seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United
States of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: You may report, Mr. Marshal.

THE MARSHAL: May it please your Honors, all the defendants are
present in court.

THE PRESIDENT: The Defense may continue with their opening
statements.

OPENING STATEMENT

DR. ASCHENAUER (Counsel for defendant Gattineau):

In the Sentence pronounced on 3 and 4 December 1947 in Case III,
the American Military Tribunal tried to explain the principles determining
Control Council Law No. 10. It cited a number of reasons to substantiate
the basis of the trials--

MR. SPRECHER: Mr. President, can we have an explanation what
is now happening?

THE PRESIDENT: Is there an explanation needed?

MR. SPRECHER: Is this a part of the opening statement for one
of the defendants?

THE PRESIDENT: I so understand...

DR. ASCHENAUER: It is the opening statement for the defendant
Gattineau.

MR. SPRECHER: The reason I asked the question is that it starts
off in the same way as the motion which was attempted to be read before
your Honors the other morning. And I thought possibly it was addressed
to that motion.

THE PRESIDENT: Very well.

DR. ASCHENAUER: I am not making any motion now; I am merely presenting to you my opening statement.

In the sentence pronounced on 3 and 4 December 1947 in Case III, the American Military Tribunal tried to explain the principles determining Control Council Law No. 10. It cited a number of reasons to substantiate the basis of the trials.

One question, however, which I submitted to Military Tribunal No. VI the Court passed over in silence: The significance of the German-Russian Secret Treaty of 23 August 1939 for the bringing about of the Law and incidentally for the proceedings instituted here,

Therefore, I entered the plea of the nullity of the Control Council No. 10.

Before going into my arguments, so that the plea may be considered by the Honorable Court in conjunction with the secret Supplemental Protocol dated 23 August 1939, proofs must be offered to corroborate the statement of the defense, that

- a) at the attempt of leading German Socialdemocrats to divert the Communists from a conduct, which would be, in his final effect, useful only to Hitler, a trustee of the Soviet Russian Ambassador Chinchuk, Vynogradoff, declared to them in the Soviet Embassy that Moscow would desire Hitler, because only after him Germany would become communist,
- b) the NSDAP further was financially supported by Moscow before the seizure of power in 1933;
- c) The NSDAP further was permeated by elements whose allegiance was to Moscow.

As regards the formal side, as a precaution, I take the liberty of pointing out besides that article 2a of the Decree of Military Government No. 7 concerning constitution and competence of certain Military Tribunals, dated 18 October 1946, does not preclude the plea made the day before yesterday.

Article 2 a of Decree No. 7 combines two view-points, which,

according to German Criminal Law are, as a rule, dealt with separately; the challenging of judges and the raising of interlocutory objections.

I am raising the question whether the proceedings, in view of the international history of origin of the norms determining punishment of war criminals, is permissible at all. Doubt is therefore cast, not on the merely material and local competence of the Court as such, but the basic question is posed as to whether the whole system of material and procedural norms laid down for judging war criminals, especially in view of its origin, can make any pretension to legal validity at all. Such a conclusion naturally cannot be excluded by a provision such as is contained in Article 2 e of Decree No. 7. To put it bluntly: a law that is materially or formally void cannot escape scrutiny simply because it forbids it.

I present the following as to the issue itself:

I.

The direct international basis of the prosecution of the German War Criminal is the so-called Moscow Declaration of 30 October 1943.

On the basis of the provisions within the framework of the Moscow Declaration, the London Agreement of the Four Great Powers was issued on 8 August 1945 after conclusion of hostilities, as a result of which constitution of a Tribunal for passing judgment on such deeds was agreed on, for which a regionally defined place of crime does not exist. A statute was added to this agreement which regulated the constitution, competence and procedure of the International Military Tribunal.

From the fact that the Allied Great Powers, represented by their organs authorized to act in accordance with international law, issued this Statute as an integral part of the London Agreement dated 8 August 1945, as well as from the characterisation of the Statute by the verdict of the International Military Tribunal, it inevitably ensues that this Statute itself is to be regarded as an international treaty between the participating Great Powers.

Looked at from the point of view of formal law, the prosecution

of further war crimes cases has not been carried out on the basis of the Statute dated 8 August 45, but on the basis of norms which differ from this both as regards sources and order. The Control Council issued on 20 December 1945 the well-known Law No. 10 which contained the substantive penal law and the general basic characteristics of procedural law for war crimes trials, which had not been proposed for a hearing before the International Military Tribunal. The question is therefore what type of law, from the point of view of source and validity, is characterized by the norm as "Law No. 10". In our opinion, Control Council Law No. 10 is to be formally termed a law issued by the Inter-allied Occupation Power valid for Occupied Germany, materially on the other hand an international treaty and, at that, a so-called implementation or execution Agreement to the London Protocol dated 8 August 1945. The possibility and necessity of attributing to the same legal norm the nature of both treaty and law is no anomaly in legal practice but is quite customary and occurs frequently.

This dual nature of the norms with which we are concerned here, results from the peculiar dualistic position conceded by the Occupying Regime to the Control Council.

- a) The Control Council exercises sovereign power "in Germany".
- b) At the same time, the Control Council is also an international inter-allied organ.

It ensues that Control Council Law No. 10 represents, in the first place, an international agreement, that, at the same time however, it is a valid "internal" law for Germany.

As a treaty, Law No. 10 - without prejudice to its formal putting into operation and publication as internal German law - is subject to the critical examination to which every international agreement is subjected as regards origin, efficacy and range. In particular basic laws recognised by common international law concerning nullity, invalidity or concrete non-applicability of treaties, must apply also to Control Council Law No. 10.

II.

In my view the London Protocol of 8 August 1945, with all the rules issued for its supplementation and execution, constitutes a new legal institution, seen from the angle of international law; seen politically, it is an experiment. The London treaties including the implementary regulations must be classed with those treaties that in view of the subtlety of the questions dealt with will in future only then be able to claim validity and general recognition, if these treaties have originated with politically loyal partners in a politically loyal manner. If this is the case, then the principles laid down for the first time in these treaty instruments and practically applied in Nuernberg for the first time will succeed and be able to claim validity for all future; however, if this is not the case, then the public conscience will some day, sooner or later, form a negative opinion about this kind of procedure, entirely without regard to the number of judgments pronounced and the number of trials actually held, and the time will inevitably come, when this kind of procure will not be considered as a continuation, but as a misuse of international law, and the conduct of these trials will no more be regarded as generally binding criminal justice.

Therefore, it must be examined, whether the London treaties of 8 August 1945 with its implementary regulations can stand up against the

objective criticism, which public conscience is entitled to raise against such a far-reaching and momentous novel institution of international law. The axiom: "Nobody may be judge in his own matter," is self-evident for the national penal law. This is expressed by the catchword of the "Judex Inhabilis": The judge is excluded from exercising his authority, if he himself was hurt by the criminal act or has a certain close relationship to the injured. Another reason for excluding the judge is not even mentioned in the procedural codes because it is absolutely evident.

The judge may also not exercise his powers as a judge if he himself is under suspicion of being a perpetrator or participant in the crime that is up for judgment. Compared to the national law of criminal procedure the principles of "Judex Inhabilis" can in international law naturally be of only lesser importance. In international courts the participation of such states, directly or indirectly injured by the actions under indictment, will only in the rarest of cases be preventable and just on this "incompatibility" the misgivings are based, which again and again have been expressed in all countries against the exercise of an international jurisdiction.

We shall not go into that in this connection. But contrary to that the principles in force regarding the unfitness of the judge suspected of the crime claim significance also for the international law and the more so: The accomplice to a war crime or even more the provoker of it must not be considered qualified to participate in proceedings against such war crimes.

It requires no special argument that the principles developed here have only indirect significance for the concrete proceedings. The country, to which the judges of the proceedings belong, is free from suspicion of complicity in the instigation of an aggressive war. Something more profound is involved here: The same principles applicable to the judge must also apply to those instructing the court and providing the rules for the judge's decision. An international treaty designed to

punish war criminals can demand respect and validity only if all the parties to the agreement are themselves beyond reproach regarding the criminal act, the judgment of which they refer to a special court by international statute. In case, however, one of the states participating in the treaty has put itself outside the international law by participating in crimes that are subject of the indictment, then the judicial sovereignty of the tribunal is tainted with an unremovable defect, no matter which one of the victorious nations provides the judges. Considering the question of general validity such rules of procedure cannot constitute a "contribution to the development of International Law"; for a treaty that originated in this manner lacks a priori that authority before the "conscience publique", which such a novel creation in international law must possess if it is to succeed. The participation of a disloyal partner destroys the authority of such an agreement and is liable to make the participation of the partner not incriminated appear in a light detrimental to the validity claim of the international agreement.

From the viewpoint of international law the validity of such a treaty is opposed by a cause for ineffectiveness. At this point the statement may for the time being suffice that under certain conditions an "exceptio expersona" directed against the whole conduct of one of the treaty partners may justify the invalidity of the whole treaty system. Therefore the reasons must be at first examined, the affirmation of which must in our opinion lead to denying the quality to the Soviet Union of being a qualified party to the agreement of 8 August 1945.

III.

In this connection it may be disregarded to what extent the Soviet Union regards itself bound by the system of the so-called war renouncing agreements (Kriegsaechtungspakte). It is known that on 25 July 1932 she concluded a non-aggression and neutrality treaty with the Polish Republic. This treaty which both parties ratified, was

undisputedly in force at the time Polish-German relations became acute in 1939 and binding on both parties.

In detail the agreement of 25 July 1932 contained the following obligations:

- a) a non-aggression obligation;
- b) a neutrality obligation;
- c) an arbitration court clause
- d) a clause, concerning the prohibition to participate in any agreements directed against one of the treaty partners.

This agreement was, as mentioned, not renounced by either party and in force, when the historic negotiations took place between Ribbentrop and Stalin in Moscow on 23 August 1939.

The agreement which was reached there found its expression in two immediately effective treaties:

the so-called non-aggression pact of 23 August 1939, whose contents were soon afterwards announced to the world, and the "secret supplementary clause to the non-aggression pact" of the same date, which, in accordance with the purpose for which it was meant, pursuant to article 2, "was to be given top secret treatment by both parties". In the first Nurnberg trial, the secret supplementary clause was not introduced in evidence. Its text was given by the American representative of the Prosecution, Thomas Dodd, in the course of the trial, to the correspondent of the "Saint Louis Post Dispatch", Richard Stokes, who published it in the above-mentioned paper on 22 May 1946.

The fact that the text of the secret clause was not admitted during the first trial was based on the court's belief that the origin of the document could not be established with certainty. This situation, however, has changed after the first Nurnberg trial. Although 18 months have passed since the secret clause was first published, and although the International Military Tribunal did not doubt the existence of such a clause, the Soviet Government did not so far refute its existence. Details about the negotiations concerning the secret clause, and that

it corresponded to the meanwhile published text, have furthermore been confirmed by the testimony given by Dr. Gauss during the Nuernberg trial of 15 March 1946. Taking all this into consideration, there is neither any reason nor any possibility to doubt the existence of the secret clause, the more so as the prejudication of the first trial is not shaken in any way; the guilt attributed to organs of the German Reich regarding the aggressive war against Poland, which has been ascertained in the first Nuernberg trial, cannot be voided by the existence of the secret clause; however, the first Nuernberg verdict did not prejudicate that the responsible organs of the Soviet Union were innocent, or that they did not participate. This evidence, therefore, cannot thus be excluded.

The clearness of the goals which both parties aimed at in this pact, which, at least as far as Finland - after the British-French guaranty - and above all, Poland are concerned, could only be achieved by armed aggression, speaks a sufficiently distinct language, in spite of all formal wording which is expressed in possibilities.

Nevertheless, in order to signify the nature of this pact, which was the actual focal point of all the agreements and which degraded the "non-aggression pact" into nothing else but a front, certified evidence will be submitted, which has been supplied by persons who participated in those negotiations. According to Ribbentrop's testimony at the first Nuernberg trial, he and Stalin never thought of including the possibility of a peaceful settlement of the German-Polish conflict; on the contrary, Stalin stated that the negotiations would have to be considered as broken down, if the USSR did not receive a promise that she would obtain half of Poland, Lithuania, and the port of Libau. Agreeing in the essential points, but by far more comprehensive, is the affidavit by Dr. Gauss, the head of the legal department in the Foreign Office. According to his testimony, Ribbentrop, during the negotiations with Stalin on 23 August 1939, mentioned the attack against Poland as a very possible move, although not referring to it as a matter definitely decided upon -

which is clear enough in diplomatic intercourse; the Soviet representatives took note of this statement and, afterwards, commenced the discussions on the territorial problems that would arise from such an "eventuality."

Politically viewed, the contents of the secret clause boil down to a relatively simple formula:

All those concerned knew full well that the German war of aggression against Poland was only made possible by the Russian attitude. From the - in case of a Russian abstention by no means "impending", but for all practical purposes completely impossible, in any case, highly improbable - "eventuality" of a German attack against Poland, and therefore the impending German attack became an absolute certainty following the Russian approval. That, dynamically, it was not Germany but the Soviet Union which touched off the aggression against Poland, cannot be doubted when considering the attitude of the Kremlin in those fateful hours: The share in the booty, which with Eastern Poland, the whole of the Baltic States, a free hand in Finland

and Romania, by far exceed the gains, imaginable under the most favorable conditions of the actual "aggressor", is a symptomatic expression of the all-important part the Soviet Union played in the launching of the European war. That much about the political aspects. In the light of international law, the attitude of organs of the USSR towards Poland, at least signifies a violation of the treaty of 25 July 1932. In this treaty the Soviet Union assumed the obligation not to participate in any agreement which was directed against the other signatory of the pact. It can be said that there is hardly a more severe form of an agreement, directed "against" another state, than that which prepares and makes possible the military annihilation and mutilation of the co-signatory. And it is equally difficult to conceive a more drastic form of "joining" or "participating" in such a treaty, as the one chosen by the USSR; for, from a political point of view, this was a partitioning agreement, to be realized by force of arms, which was solely the concern of the USSR and the German Reich.

The fact that the Soviets march into Polish territory was supported by the argument of the "decline", respectively the "cessation" of the Polish State, which in the eyes of the Soviet Union resulted in the end of the Polish sovereignty, and thus the expiration of the Soviet non-aggression obligations from the pact of 25 July 1932, overrides the actual issue, and can only be assessed as a pretence. For at that time a demilitarization of Poland had not yet taken place, even according to German views, and the German military and political authorities were themselves surprised by the premature marching of Soviet troops into the Polish Eastern territories. However, this is not even the point of question. For the violation of the Soviet Polish treaty of 25 July 1932 did not take place, and in fact only on 14 September 1939, the day of the invasion, but already by concluding the secret agreement on 23 August.

THE PRESIDENT: If counsel would pardon the interruption now, the

Tribunal is very much concerned about not being understood. We place no limitations or restrictions, so far as substance, upon the opening statements that may be made here on behalf of counsel for any defendant. As we understand the rule, the practice is fundamentally a bit different when you are dealing with the opening statement of the Prosecution, and the opening statement of a Defendant. As we recall the rule the Prosecution is more or less limited to the statement of the facts upon which it will rely for a conviction when it makes its opening statements. On the otherhand, a defendant is not bound merely to state the facts, but may state the theories of his defense.

By that I mean to say he may press his views as to the laws, as well as to the facts in his opening statement. Under the rules by which this Tribunal is governed, two days are assigned for opening statements. The Tribunal is presently only concerned with the protection of the rights of all of these defendants to see that they have a timely opportunity to present their opening statements, and that must be done within the scope of the two days assigned for that purpose.

What I have said is preliminary. We have now listened to your opening statement for almost 40 minutes, and before we would permit you to proceed we should like to be assured that the consumption of further time on your part will not be calculated to deprive some defense counsel here of a timely opportunity to make his opening statement.

In that connection the President would observe that you have been reading from a manuscript which is already in the hands of the Tribunal. You may have some departure from that, of course, before you conclude, but we should like to have a clear understanding now, before you consume more time of this session, that you are not encroaching upon the time of your associates so that counsel for some defendant may not be handicapped by a lack of adequate time to present his opening statement.

With those observations, may I inquire of you how much time you contemplate using to complete your opening statement?

DR. ASCHENAUER: I shall need another 20 minutes, Your Honor.

THE PRESIDENT: Have you consulted with your associates so that you can assure the Tribunal that you are not encroaching upon the time of any of your co-counsel? Will they have time to make their statements if we indulge you for another 20 minutes? Do you know that to be true? Can you say that to us?

DR. ASCHENAUER: Yes, I can.

THE PRESIDENT: You are making that statement in the presence of your associates and we will accept your statement unless it is questioned, but we are most anxious not to encroach upon the time of the other defendants.

With your assurance, made in the presence of your associates, that you can conclude with the next 20 minutes, and that you will not thereby encroach upon the time of other counsel and deprive them of a timely opportunity to make an opening statement, we will permit you to proceed.

Just a moment, please —

DR. ASCHENAUER: I can skip a few parts of my opening statement.

THE PRESIDENT: Very well then, with the understanding that you will conclude your opening statement within such limitations of time not to deprive counsel for the defendants who have not addressed the Tribunal, of the opportunity to make their opening statements within the time allotted, the Tribunal has no disposition to place any limitations on you whatever with respect to your statement.

Dr. Boettcher, did you wish to say something?

DR. BOETTCHER: No, thank you, Your Honor.

THE PRESIDENT: Counsel may continue.

BY DR. ASCHENAUER:

The above specified attitude of the responsible Organs of the Soviet Union, in conjunction with international law, not only meets all the prerequisites, embedded in international law, clauses of the so-called offense against international law, as it has been recognized for a long time. Beyond that, it also constitutes a crime against international law,

as defined in the London Statute of 8 August 1945.

Though it is true that the officials of the state that shares the guilt may, as exempted according to the Statute, not be prosecuted, their conduct, in as far as it realizes the elements of crime, may and must be utilized for arriving at some definite conclusions which are most relevant for this trial. It will be up to this Tribunal to examine the question, in how far a possible precedent of the 1st Nurnberg trial, to the effect that the question of guiltiness of the Soviet Union could not be gone into because of her equal rights as co-victor and partner in the new international penal code, still stands. For, in the last resort, it is also the task of this trial to contribute to the finding of the truth.

Going to the personal side of the case I present the following: Seldom before has so much material been submitted in a trial by the Prosecution. Even more seldom, however, has so much been charged against the defendants in the press and in the indictment as is the case here. But never was so little proven as in the trial of Krauch and others. The Prosecution loudly proclaimed Farben's alliance with Hitler, which is supposed to have been concluded in 1932 by Bueckelisch and Gattineau. We waited for the proofs with close attention. They failed to appear. What was left was a conference of an informational nature. If every conference of an informational nature in politics is to be considered the same as an alliance, then there would probably be more alliances than politicians.

If the Prosecution had made a thorough investigation it itself must have recognized the grotesque character of its allegation. It takes a great deal of imagination to set up the allegation that such an agreement was concluded during the life of a man like Bosch or Duisberg. It will be a minor matter for us to refute the charge of the indictment. In this connection I should like to quote only a few passages concerning the relations of Bosch and Duisberg to Hitler. Doctor of Laws Kurt

Freiherr von Lersner, formerly President of the German Peace Delegation of Versailles, writes the following concerning the attitude of Carl Bosch toward Hitler and the NSDAP:

"The attitude of Carl Bosch to Hitler and the National Socialist Party can perhaps best be perceived from the crushing criticism which he sent to me in connection with his first meeting with Hitler: "Hitler is nothing; nothing at all! That is all a deliberate swindle!"

The following statement is also in existence:

"I can testify that Herr Geheimrat Duisberg was always an opponent of National Socialism and remained so even after the assumption of power up to his death. There was no lack of attempts to win him over to National Socialism, but he in no way let himself be moved to help the Party."

Bosch and Duisberg were the leading personalities of the Farben, and vigorous opponents of the NSDAP. In 1932, Buetefisch and Gattineau were uninfluential employees of Farben. In view of this actual situation, then, does the Prosecution seriously believe that these two men had concluded an alliance with the Party?

I believe, — and I ask you to forgive me my harsh expression, — I believe that the allegation of an alliance by the Prosecution, is, so contrary to healthy common-sense, that it is almost superfluous to offer proofs against it. It is humorous to see how, in the effort to collect evidence, a fine confusion of names has crept into the charges. In the court session of September 2, 1947, it was alleged that Carl Duisberg informed the Reich Union of German Industry that "he was prepared to contribute to the Adolf Hitler donation," while emphasizing his outspokenly approving attitude. Dr. Curt Duisberg gives us the following correction to this:

"A confusion of names is concerned here. It was not the Chairman of the Aufsichtsrat, Geheimrat Dr. Carl Duisberg, but I myself, in my

capacity as head of the Central Office, who was present at the conference with the Professional Associates of the Chemical Industry and prepared the file note of 16 June, 1933." Surely any of the defendants could have told the Prosecution this if they had been asked for it.

The Prosecution has made many claims about Gattineau in their opening statement. He is supposed to have been the economic advisor of Roehm, a leading political representative of Farben who led the WiPO for 6 years. But they have not presented any proof of what Gattineau actually did.

Undoubtedly the Prosecution has felt the compulsion to establish a connecting link between 1932 and 1939. Therefore some other meaning than was actually the case, had to be assigned to the WIPO, the Advertising Board, etc. To be sure, proof is still outstanding. The Prosecution connects the establishment of the WIPO as bound up with the coming to power of the Party. That this is obviously wrong was already shown in the presentation of evidence by the Prosecution.

The activity of the WIPO was inflated from an office used for conveying and forwarding correspondence, as was shown by the interrogation and cross-examination of Krueger into a highly important and political instrument artificially construed. The efforts of the Prosecution in regard to the Wirtschaftsfuehrerkreis, Circle of Economic Leaders, or the Werberat, Advertising Board, of the German Economy, are similar. The Prosecution also has not proven and has offered no valid evidence in the Austrian affair and in regard to DAG Pressburg. In the "Austrian question" for instance, it will be seen that it was a matter of continuing negotiations with Skoda-Wetzlar begun long before the Anschluss, and for the rest, that it was a matter of internal reorganization of DAG firms without any pressure of any kind from Farben.

Furthermore, the Prosecution itself did not claim in its presentation of evidence that Gattineau participated in carrying out the

negotiations of IG in Austria.

The Pressburg matter offers a significant illustration into the evidence of the Prosecution. Gen. Telford Taylor claims with pathos:

"After 1938 he (Gottineau) participated as director of one of the largest Farben factories making explosives in the occupied territory, in supplying and abusing forced labor and in plundering."

Here too again we had to wait for proof in vain. The Prosecution has not presented a single document. This would also be difficult to do. Because neither foreign labor, forced labor, concentration camp inmates nor prisoners of war were used as workers in Pressburg. There is just as little opportunity for the Prosecution to prove their contention that plundering had occurred in Pressburg.

Under these circumstances it is perfectly understandable that Judge Morris pointed to the irrelevancy of the material until the beginning of hostilities in 1939. In my opinion this pertains above all to the defendant Gottineau.

When we keep in mind that that is the result of the efforts of the Prosecution for 2 1/2 years then, it is something less than a scanty result.

I do not wish to criticize the Prosecution. For it is difficult to present evidence against a defendant who had committed no crime according to the counts of the indictment. If the Prosecution were granted as much time again for its preparation, it would again have the same failure. The further development of the trial will show this clearly.

DR. LUMBERT, Counsel for the Defendant Kuehne: With Your Honor's permission I would like to refrain from making an opening statement for the defendant Kuehne, and this for the following three reasons:

1. To avoid unnecessary repetitions and with that to speed up the proceedings since the Tribunal has already listened to 13 Opening Statements.

2. In regard to the indeed minimum charge of the defendant Kuehne, and w. With regard to my written motion of the 11th of December, 1947, which is awaiting the Tribunal's decision.

May I add that I do not intend to read an Opening Statement at a later time in the case my motion mentioned above should not be granted. But in this case, I shall submit my legal arguments later on in my final speech and shall give a brief introductory survey in regards to my evidence at the beginning of the case-in-chief for the defendant Kuehne when my turn comes.

I therefore beg to be excused from making an opening statement, and to give the time gained through this, to those of my colleagues who perhaps will exceed the allotted time in presenting their opening statements.

DR. WERNER SCHUBERT, counsel for the defendant BUERGIN:
Your Honors,

I

The defendant Dr. BUERGIN saw the collapse of the so-called Third Reich from his headquarters at Bitterfeld. Bitterfeld, which is in the Russian Zone, was occupied, at that time, by American troops. The American occupation force was naturally informed that one of the major Farben works was situated at Bitterfeld. American specialists and administrative officers accompanied the troops who

immediately commenced investigations of technical installations on the spot and in addition, and more particularly, of the conditions of foreign workers. The outcome of these investigations was that having filled out one of the usual questionnaires, my client, Dr. Buergin was completely cleared, no restrictions being imposed upon his freedom. He even received from the occupation forces permission to leave Germany, a privilege which, as is well known, is granted only in very rare cases today. Dr. BUERGIN proceeded to a French firm which had, for a long time, time, been on friendly business terms with Farben. This firm equally found nothing to reproach in his conduct, and accepted him as a member of its staff. There Dr. BUERGIN was able to carry on his work on his own subject until the summer of 1947. When the general indictment had already been served in this trial, Dr. BUERGIN was arrested in France by order of the Prosecution. He was virtually unable to take any effective steps against his extradition as, in France, he was without the means which would enable him to enlist the services of a lawyer. He was brought to Nuernberg and there saw the indictment as a whole for the first time, having previously been informed in Aix-en-Provence of the charge of complicity in the use of so-called slave-labor and alleged collaboration in the Four Year Plan. He was taken into custody, a charge was brought against him and he was brought to trial, without having had any previous opportunity to define his attitude to the charge to clear himself or to refute the accusations contained in the indictment. Thus Dr. BUERGIN has been involved in a trial, despite the fact that the material submitted by the Prosecution, brings no proof whatsoever to substantiate special accusations which could justify the

monstrous charges brought in the indictment. One cannot, therefore, help feeling - and in this trial, the defense is dependent to a large extent upon hypotheses in assessing the Prosecution's evidence - that Dr. BUERGEL is held responsible by the Court less on the grounds of individual accusations. But then because he was a member of the Farben Vorstand.

In its Opening Statement, the Prosecution raised the question of the collective guilt of the Vorstand and concluded, naturally, that the guilt was collective. It is hardly appropriate to gauge the depths of such a difficult question in this Opening Statement. I should, however, like to stress the point that such a complicated and unusual legal construction of the facts can come into consideration only if certain minimum requirements have been proved by the Prosecution. This would necessitate proof of the fact that members of the Vorstand have committed crimes the judgment of which falls within the province of this Court, that these members of the Vorstand who had no part in the commission of crimes had full knowledge of the facts of the case and were in agreement with criminal action taken, and that they did nothing to prevent the continuation of such criminal action, although being in a position to do so.

In my opinion, there can be no question of the Prosecution's having brought any such proof.

If one rejects this conception of the collective guilt of the Vorstand, which, though interesting as a concept is impracticable, Courts 1 and 5 of the indictment would seem to seek legal justification, in the case of Dr. BUERGIN, mainly in the provisions of Article II 2 f of the Control Council Law, because he occupied a high position in the industrial and economic life of Germany.

In the applications of the Defense Counsels in this trial for the rejection of Counts 1 and 5 of the indictment, on the grounds that they have insufficient basis of fact, applications supported in detail, opinions have already been expressed on the question of whether the defendants in this case can be charged with the commission of a crime against peace. I should merely like to supplement the applications as follows:

The provisions of Article II 2 f of the Control Council Law cover no ground, not appearing in the Statutes of the IIT. According to the literal interpretation of these provisions, every person who occupied a high political, public or military position in Germany, or who held an important post in the financial, industrial or commercial world, must of necessity be guilty of a war crime. Obviously, the Prosecution at Nuernberg did not represent this point of view; otherwise, it would have been able to accuse every defendant in each of the cases tried of a crime against peace, on the grounds of his official position. Article II 2 f thus require restrictive interpretation, a fact which the Prosecution in this trial fails to recognize. It is attempting rather to lay upon the defendant the responsibility for proving his innocence, basing its conduct on the provisions of Article II 2 f of the Control Council Law. This line of action cannot be in accordance with the spirit of these provisions, either; for how could the defendant bring proof of a negative concept, of his lack, that is to say, of participation in crimes against

the peace? In my opinion, the restriction is rendered absolutely necessary by the fact that Article II 2 defines the conception of the principal or participant. Figure 1 thus defines a form of participation. Not every person who held a certain office can be a participant in an offense simply by virtue of having held this office, but only he who, holding this office, collaborated in any way in criminal activities. This is not the case as far as Dr. BUERGIN is concerned.

II.

At the outset of my review of the Prosecution's evidence relating to Bitterfeld, all of which does not, however, concern the defendant Dr. BUERGIN, I should like to state that Dr. BUERGIN first became a member of the Vorstand of I.G. on 1 January 1938, and was, in fact, only a deputy member until May 1938, from which time onwards he was a regular member.

The defendant BUERGIN came to Bitterfeld in 1931 from Rheinfelden (Baden), where he had been Works Manager. He was transferred there within the framework of the great I.G. Konzern. From a position in which he had been able, to act independently, he was transferred to a far wider sphere of activity, but to a post in which he was dependent on the instructions of his Chief. According to the German Code of Commercial Law, his position was that of Prokurist. His duties were in no way changed by the fact that he received the title of Director Deputy in 1933. At first, the management of Bitterfeld Works South was entrusted to him as Chlorine Specialist, and in the course of time, that of the inorganic departments of the so-called Central German Plant Combines, to which, in addition to the Bitterfeld works and the Wolfen Dyestuffs Works -- which should not be confused with the Wolfen Film works -- the following plants, mentioned in this trial, belonged: the Aken, Stassfurt, Teutschenthal, Scharzfeld, Doeberitz and Rheinfelden. All of the extensions, constructions of complete works buildings, and installation of new equipment or enlargements of individual plants in factories already under construction, to which the

Prosecution raise objections, was completed so that before Dr. BUERGIN took over the management of the Central German Plant Community on 1 January 1938, the industrial expansion program which is denounced by the Prosecution as a crime against peace had, in the main, already been executed. BUERGIN only had to complete what others had already begun.

In Bitterfeld, BUERGIN first became known in connection with the production and manufacture of magnesium; he had had nothing to do with such work in his former sphere of activity. Magnesium was first developed for use as an industrial material in Germany; exclusively; the true promoter of the development work leading to the discovery of this process was my client's predecessor, Dr. PISTOR.

The development of this particular metal in Germany is to be attributed to special circumstances prevailing in Germany, which explain much of what took place in the field of industry in Germany and divest it of the criminal character imputed to it by the Prosecution. Germany has always suffered from lack of metals of all types within its own frontiers. The raw materials for the production of magnesium — particularly carnallite and dolomite — were in plentiful supply in Germany, however. Hence the efforts of the German research scientists to obtain from the abundant supplies of these raw materials, which were allowed to run off into the rivers with the waste water, a light metal suitable for technical purposes. A start had been made in this work as early as the turn of the century, and despite all set-backs, truly remarkable tenacity was displayed in the constant efforts made, and in the repeated discovery of new ways of overcoming difficulties arising in the train of the development work. Production plants for production on a large scale were first erected in Bitterfeld during the first world war. The production plants were passed, when Germany had lost the war, by the Military Control Commission in office at the time. They were modernized and this exceptionally light metal found a use in many fields of work, throughout the world, particularly in Germany. This is true especially of those fields of work in which

small weight plays an essential role, and particularly, in the construction of engines and motor vehicles. Just as the untiring efforts and the vast sums of money devoted to this purpose began to show returns, the economic crisis came, hitting Germany much harder than any other country. Immense declines in production were registered. The Prosecution has taken these slump years as the starting-point for their comparative statistics, figuring a 4000% increase in production between 1930 and 1943. It is a known fact that statistics, though accurate in themselves can present a totally false picture, and so it is in this case, as the witnesses Elias and Struss stated during their cross-examination.

When industry again began to recover, after the assumption of power by the National Socialists in 1933, a fresh impetus was felt in the field of Magnesium. It is only too understandable that those men of the I.G., who, with untold trouble and at great cost, had developed this metal into a usable material, should grasp the opportunity to show on a large scale what they had hitherto only been able to do in a small extent or within the scope of the laboratory. None of these men would have considered it a crime that this impetus in the production of Magnesium should have reacted in part for the benefit of the German rearmament, since all Germany's neighbours were in a high state of armament and the political situation of the disarmed German Reich in the midst of those armed neighbours was no secure or enviable one. Therefore it came about that the Magnesium works in Aken and Staßfurt were built, in which, action, however, Dr. BUERGIN at that time had no active part. It is such a matter of course that, during the war, production would have to be forced in this field particularly and was in fact so forced, that it is perhaps not necessary to enlarge upon it any further.

The Prosecution has singled out the Magnesium Group in order to prove that the I.G. not only supported the rearmament in its own country, but also consciously and ruthlessly excluded the rest of the world from

from participating in the results achieved in this field, systematically restricting its production in other countries and so creating a perceptible shortage on the part of the enemies of Germany in the last war. I shall prove that the direct opposite is the case.

The I.G. had consistently taken the greatest trouble to interest other countries in Magnesium. Since the beginning of the 20s, there had existed the friendliest relations with Great Britain in this field and those existing with the USA since about 1923 were intensified at the end of the 20's. An agreement was concluded with the greatest aluminum producers in the United States and the world, viz. the Aluminum Company which served only the purpose of making magnesium known in the U. S. A. and of promoting its production and sale. In England, the I.G. had built a Magnesium production plant for an English undertaking in 1935, the products of which were later used by the Allies in the air war against Germany. In order to further the production and the utilization of Magnesium abroad, the I.G. imparted its knowledge right up to the outbreak of the war, in the most loyal manner, to England, France and the USA; and even in 1940, after war had broken out, they exerted themselves to transmit to their American business friends the latest results of their researches.

This was the I.G. Farben, whom the Prosecution charges with having restricted the industries of other countries in this field and industrially weakened the potential enemies of Germany, in order with all possible means to support the preparations of the National Socialist war machine, I shall prove that Farben loyally conducted themselves towards their foreign business partners in the most commendable manner and that this took place from 1938 on under the leadership of my client, Dr. BUERGIN.

III.

My client is also accused of participation in plunder and spoliation in connection with the Norwegian question. Dr. BUERGIN was a member of

of the Aufsichtsrat of the Nordisk Letzmetall A.G., which was founded during the war with the object of effecting a considerable increase in Norwegian light metal production. Dr. BUERGIN's only part in the establishment of the Norwegian business was that of a technical expert; with the financial transactions he had nothing to do. The statements of the witnesses so far will already have shown that the founding and the acquisition of the production localities of the new Norwegian company constituted neither spoliation nor plunder.

IV.

My client is finally charged by the Prosecution with participation in enslavement and mass murder.

As in all German plants, foreign workers were also employed in Bitterfeld. The circumstances here are somewhat special, because in Bitterfeld a large camp was constructed already before the war for the reception of non-local workers. The necessity for this was created by the fact that the industrial area of central Germany, because of its rich lignite deposits, had developed especially rapidly since the first world war, so that there soon occurred a shortage of labour, and housing for the inflow of workers could not quickly enough be provided. In consequence, it was found necessary to establish a camp, which before the war was especially carefully and especially comfortably equipped. The foreign workers were then later on placed in this camp, which consequently had to undergo some extensions.

Concerning the manifold legal questions which resulted from the employment of foreign workers, one of my colleagues has already indicated and explained the position taken up by the Defense. I do not wish to tire the Court with further legal statements on this point. I should like however to establish in principle that the serious charge of the utilization of slave labor requires substantial and merely to establish that the workers were being used against their will is not sufficient.

In that case, every employed in Germany would have rendered himself liable to punishment, since all, even the smallest undertaking and enterprises, had foreign workers. Every farmer, every housewife who employed Polish or Ukrainian domestic helpers, would thus be war criminals, a consequence which has not so far been drawn either by the Allies or by the German authorities occupied with the punishment of war criminals. Here again, therefore, some sensible limitation must be made, as the Prosecution themselves are apparently not unaware, since they are endeavouring to prove inhuman conditions in the camps, in the treatment and in the working conditions of the foreign workers. In this respect, the material submitted by the Prosecution regarding the plants of the Works Combine of Central Germany (Betriebsgemeinschaft Mitteldeutschland) is scanty. It consists solely of the affidavit of a French worker, who has so far not even been put up for cross-examination. Should this not subsequently be done, I shall object to the admission of this affidavit.

I myself, however, am in the position to prove that it was my client in particular who, with an understanding based on extensive experiences abroad and a war feeling for the workers who had come into a strange land, recognized what had to be done to lighten the burden of the foreign workers; who constantly, in works and departmental discussions, gave directives, suggestions and orders to this end; who saw where the most energetic help could be rendered and who finally also had the satisfaction to see that the American administration officers entering with the troops found nothing objectionable, that the foreign workers had no complaints to make to the Americans in reply to their pressing questions and that in some works the foreigners handed in letters of thanks before their departure.

Before I conclude these statements, I should like to draw the attention of the Court to the following point:

As I emphasized in the beginning, the Bitterfeld Works lies now in the Zone of Germany occupied by the Soviet Union. It has become evident,

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not only in my own Defense complex, but also in those of my colleagues, whose clients were directors of works in the Soviet Zone, that the obtaining of defense material from this Zone meets with extraordinary difficulties. It is not only that the witnesses concerned are afraid of getting into political difficulties if they give their former works managers a truthful affidavit concerning events of the war and pre-war period -- which fears according to experience, do not beset the witnesses in the Western Zones; but it is also that documentary material cannot, or can only with the greatest difficulty and to the most restricted extent, be obtained from the works of the Eastern zone, which -- like Bitterfeld -- have become altogether Soviet Russian State plants. I beg the High Tribunal, in the assessment of the evidence of the Defense, to take this point of view into consideration and not to let the defendants who directed plants in the Eastern Zone suffer for these excessive difficulties in the production of evidence.

DR. NATH: Nath for Ilgnor.

May it please the Court.

The Prosecution has endeavored to prove to the Court that my client Dr. Max Ilgnor, is allegedly guilty of count 1 of the indictment, planning preparation and waging of a war of aggression, because he allegedly committed espionage and propaganda in preparation of the war, as head of the I.G. office, which was in Berlin and is known by the name of Berlin NW 7.

In this connection the Prosecution names the Economic Research Department (Volkswirtschaftliche Abteilung), the Economic Policy Department (Wirtschafts politische Abteilung) both of these in Berlin NW 7, it points to the I.G. liaison men who were employed abroad by the concern; it names the Carl Schurz Society whose president my client was, and which, as I shall prove, endeavored to bring an understanding between the American and German nation. The Prosecution believes that the gatherings which took place in the bourse of the "Kieler Woche" and at which meetings were arranged between the representatives the German economy and industrial and commercial representatives from abroad, have to be looked upon as infamous and camouflaged enterprises, whose sole purpose was espionage. Even the trips abroad which my client undertook in the interest of his firm were, according to the Prosecution, nothing else but the trips of a man, whose object it was to utilize the experiences and informations which he had gathered abroad for the planning and waging of a war of aggression.

So many statements, so many errors. I believe to be more precise, when I say that the Prosecution has construed suppositions which lack any conclusive and valid proof to sustain their accusations. I should like to point out right here that not a single witness for the Prosecution, cross examined by the Defense, has confirmed up to now that Dr. Max Ilgnor either personally or with the aid of the mentioned offices or meetings - has been active in a manner which could be described as espionage or be accepted in law as preparation and planning of a war of aggression. Quite apart from the consideration that the prerequisites, under which a defendant could be

considered guilty of planning, preparing and waging a war of aggression according to the verdict of IMT, have apparently not been observed by the Prosecution. I shall elaborate on this point in my final plea.

I shall try therefore to observe these principles in my argumentation which are the tools of every lawyer, namely to examine: 1. What has been asserted, 2. is the assertion conclusive and what is the proof offered and 3. what is the counter-evidence. Then I shall draw the conclusions which I intend to present to the Court after due consideration of the result of the evidence.

An important point which will be my guiding principle is the question of personal guilt. I shall not neglect to point out in this trial, as I have already done in the trial of Flick and others, the principles stated by the Military Tribunal II in its judgment against the former Field Marshal Milch, which I consider of prime importance. In this judgment the Court took into consideration the ancient and fundamental concepts of Anglo-Saxon Law, rooted deeply in the English Common Law and which have been strictly maintained in the United States since their origin. These maxims are:

I quote:

"1. A person accused of a crime is to be considered at first as being innocent"

and

"2. He will be considered as such until he can be proved guilty beyond reasonable

end of quote.

In order to enable the Court, to make an examination on the basis of these principles it is necessary that I explain the position and standing of my client within the Vorstand of the I.G.

In connection with this I shall show the intention and purpose of Bureau Berlin NW 7, in which my client found his sphere of activity.

When we examine the individual guilt, we cannot pass the defendant as a person without occupying ourselves in more detail with him, that is, we

must get a picture about what belonged within this man's sphere of work, what was the intent of his work and what he aimed at. This picture will contrast most strikingly with the picture which the Prosecution has drawn of my client.

It is known to the Defense that during the war there appeared an inflammatory pamphlet in America, originating with the title "The Horsemen of the Apocalypse of the IG Farben," and which was directed against the IG and its leading employees because of transparent motives - let us calmly call them motives of competition - and we believe that we can see in this fact a source, which influences the outlines of the picture - possibly subconsciously - which the Prosecution has drawn of the defendant in the Opening Statement.

If I now point to my client as a person, who is supposed to have lent his hand in the planning, preparation and waging of a war of aggression, then I cannot avoid reminding the Tribunal of the statements of the Prosecution witness, Dr. Kurt Krueger, who spoke in a convincing manner about my client and quote: "... that he (Dr. Ilgner) was blowing the shepherd's reed of peace so loud, that in so doing he did not hear the flaring of the trumpets of war." These words, however, aptly characterize my client's personality with respect to count I of the indictment.

The management of "Bureau Berlin NW 7", of which - as I have already mentioned - among others, the "Volkswirtschaftliche Abteilung" (Vowi) was also a part. This "Volkswirtschaftliche Abteilung" was an idea of Geheimrat Carl Bosch, who had sent Professor von Moellendorff to New York in 1928, in order to study the set-up of the National Industrial Conference Board with the goal in mind to get to know this institute which is so essential to the American industry, and to create a similar set-up in Germany, if possible. My client, who happened to be in New York at this same period, and whom Professor von Moellendorff seized immediately upon this idea with the openness of mind which is characteristic of him, because it was in line with his cosmopolitan attitude which was directed toward an

economic collaboration of nations. To this and the work of such a "Economic Research Institute" provided him with the necessary equipment. There existed a close contact with the then President of the National Institute Conference Board, Magnus Alexander.

Professor von Loellendorff and Dr. Ilgner considered this American institution serving the purpose so adequately, that they used this model for I.G. and founded a corresponding department, namely the "Vowi". However, to meet with the original conception of Geheimrat Bosch, the obligation developed to make the work of this "Volkswissenschaftliche Abteilung" accessible to the entire interested German national economy. Thus the "Vowi" was no secret office. Every major businessman was able to request information there about data of national economy which interested him. And in no wise is this something unusual, if the authorities of the State, as for example, the Ministry of Economy or the Economic Department of the Foreign Office, and later during the periods of threatening political entanglements - particularly during the war - the military authorities also demanded information and data from this Economic Research Department. I believe, that I am not in error when I suppose that the National Industrial Conference Board likewise placed its work at the disposal of the American authorities without hesitation and that perchance in America there is no need for a law which compels private firms to give information to government authorities, as was the case in the Third Reich.

THE PRESIDENT: Counsel, I am sorry to interrupt you, but the courtroom is getting a bit cold and I am advised that the heat cannot be turned on while we are in session because it interferes with the sound system. If you could find a convenient place in the next minute or two to suspend for our recess, I think we will all be more comfortable when we reconvene, and I leave it to your judgment as to the breaking place in your presentation.

DR. NATH: Mr. President, I also think it is very cold here, and I should like to interrupt at this point and continue after the recess.

THE PRESIDENT: Thank you very much. We will take our recess at this time.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Gentlemen, we are going to try to operate with a part of the heating system running, and I am hopeful that it won't be too much interference. If it does interfere too much with the sound system, please let us know, and we will have it discontinued, but I think we will be more comfortable if we can operate with the heat on.

Counsel, you may proceed.

DR. NATH: May it please Your Honors, I am going to continue my statement with reference to VOMI.

Beyond this, there existed an exchange of work between the VOMI and the great English concern Imperial Chemical Industries, as well as with the National City Bank of New York, as well as with a series of other organizations which had similar institutions at their disposal. Obviously there also existed an exchange of work with the German institutes, as for example, the Institute of World Economy at the University of Kiel, the Institute for the Research in Market Trends (Institut fuer Konjunkturforschung) in Berlin. The Prosecution has submitted a list regarding the work of the "Vomi" to the High Tribunal. This list is incomplete. I will endeavor to complete it. I would be happy if I could lay all the work of the "Vomi" on the judge's bench and be able to suggest, that they pick out a piece of work at random in order to examine whether this choice justifies the supposition, that tasks are involved which were pursued in preparation for war. Unfortunately, I shall not be in such a position due to lack of time and as a result of the fact, that many libraries and private collections were destroyed through air-raids. However, I shall be able to submit some of this work in my Document Book before the Tribunal, in order that the Court may gain an impression of it.

The keen international competition in the world-market made it mandatory that knowledge of the widest scope possible be utilized - if this Economic Research Department was to be of any use whatsoever. Everyone knows that the economy of a country is influenced by the policy

of the governments. As a result of this, a reliable study of the market could not very well leave out the political situation of a country, insofar as the economy is influenced by it, for false analysis cost money if sums are invested in enterprises which might possibly be destroyed for political reasons.

In the eyes of the Prosecution all this is espionage. For the international businessman, however, it is an economic necessity. In the same way, for instance, it was possible, thanks to the work of the Economic Research Department, that the I.G. was not caught unprepared by the devaluation of the dollar in the spring of 1935 and thus was spared very considerable losses. This was undoubtedly to my client's merit. In the course of my argumentation I will therefore have to prove to the Tribunal that the assertions made by the Prosecution concerning the VOMI and its work are incorrect.

The same applies to the Economic Policy Department which is also totally misjudged by the Prosecution. There can be no question about it that an enterprise of a world-repute of the I.G. was bound to be interested in the plans of the authorities with regard to trade policies, such as for instance, tariff policies. The rigorous controlling regulations, due to hard times, of Germany's internal economics with its acute shortage of raw materials which the US authorities have plenty of opportunities to study today necessitated the adoption of a quota system and many other economic measures by the government. On the other hand, the I.G. sales combine tried to transmit their suggestions, for instance concerning the formulation of commercial treaties, to the relevant government offices by means of this department. According to the Prosecution's opinion it was an institute for espionage. The proof for this allegation, however, is still wanting.

I must remark here briefly that this department must not be confused with the "Vermittlungsstelle W" which although it had its office in the "Berlin NW 7" building too, had, however, nothing to do with my client.

I will have to explain to Your Honors in the course of my argumentation the activity of the so-called I.G. liaison-men which seem to have roused the special attention of the Prosecution. Quite wrongly, though. This matter was also an example of an institution in foreign countries of which Dr. ILGNFR got to know in the course of his travels abroad, and which he had recognized as rather useful for the business of his firm. The "Supervisors", a common institution of the Standard Oil of New Jersey, the National City Bank and the Imperial Chemical Industries, served as a model for the I.G. liaison-men. They were men who sold I.G. products in foreign countries. One of them was chosen for a certain country as "primus inter pares" to look after the I.G. sales interests in their totality in the respective country. The position and the task of these men is being totally misjudged by the Prosecution. In the course of my argumentation I shall refute the Prosecution's picture according to which the reports which were dispatched by these liaison-men to Berlin NW 7 allegedly have served for the purpose of espionage.

None of the I.G. Liaison-men was ever engaged in espionage activities with my client's knowledge or consent, much less did any of them ever receive orders from him to do so.

Since, however, this accumulation of inaccuracies is not yet enough, it is finally my client himself who, according to the Prosecution, went abroad to act there as chief of the espionage organization, so to speak. Now, it is true that my client on his business trips proceeded rather conspicuously; he was accompanied by other people, and his universal personal attitude caused him to get in contact with a great many important persons of the respective country. His interest covered all institutions of note in, I suppose, every field, and every one that took an interest in him knew in which place the "great spy" was, at which hotel he had put up, what his thoughts were, and what he ate. Such a man who was constantly in the lime-light, who took an interest in everything and who openly spoke his mind on all subjects

is, indeed, a poor spy! Nothing is more unlike the character of my client, nothing is rejected with greater indignation by him, than the allegation that he had utilized his business connections for the planning and preparation of aggressive war.

When presenting my documentary evidence I shall submit to the Tribunal the text of the speeches - as far as these are still available and accessible to me - made by my client at home and abroad. Thus, in 1937, in Paris, Herr Dr. ILGNER made a speech before the International Chamber of Commerce. In 1938 he lectured at the Institute for World Economy at the University of Kiel; in the same year he spoke at a meeting of the German-Dutch Society in Berlin; in 1941 before the Central European Economy Conference in Vienna. There followed speeches made by him during the war in Budapest, before the Union of Industrialists; and in Bucharest in the course of the German-Rumanian Industrial-Committee-Conference. My client spoke also in Oslo, Stockholm and Copenhagen.

These speeches show with all clearness how far-reaching and open-minded the efforts were by which my client endeavored to bring about an understanding and economic cooperation between Germany and the other nations. However, these efforts, of which my client and the rest of the Vorstand members were taking a long view, were necessarily based on the assumption that peace could be maintained. But when this unfortunate war broke out nevertheless, it was precisely my client - as the witness Dr. Kurt KRUEGER testified, and as further witnesses will prove - who did not want to believe in its outbreak. Dr. ILGNER's economic planning and work was based upon peace; any war was bound to destroy his lifework.

Once this war had become a fact, however, and connections with the countries overseas were disrupted, my client turned to the intensification of economic relations that existed with the South-East-European countries, thus taking up again an old idea dating back to the year 1932. We have heard here of the soya bean scheme in Rumania

and Bulgaria, and the Danube-reed scheme was mentioned as well. The very personal attitude that my client took toward the South-East-European countries also during the war is characteristic of his attitude toward Germany's economic relations with the rest of the world.

Concerning this I shall present to the Tribunal, in addition to other evidence, the report on an investigation made by an English institute, which made Germany's economic policies in South - East- Europe the subject of a critical analysis and in so doing came to an appreciative judgment.

The Prosecution finally believes that it can charge Herr Dr. ILONFR with having made propaganda abroad for the National Socialist State and refers to this connection to the so-called "Circle of Economic Leaders", of whom my client was a member, and which was conspicuous by its short span of life.

Permit me to first submit that there is no law which might serve the Court as a basis for its findings according to which any support abroad of one's country and government, even propagandist activity, is regarded as a punishable act. The Prosecution would have to produce evidence - not merely make an assertion - that this alleged propaganda had aimed at unleashing a war.

However, the Prosecution has not even tried to prove this causality.

For the rest, any propaganda on the part of my client, such as the Prosecution alleges, is out of the question. We know that in 1933 a vigorous campaign was carried on abroad and in particular in the United States, against German export goods and IG products. We are somewhat surprised to note that the Prosecuting Authority thinks it can base a charge on the fact that this boycott propaganda has been countered by the firms involved. The American propaganda expert Ivy Lee was commissioned by the IG and asked for advice how this serious obstruction of business could be countered. I shall prove that this activity of the late Mr. Ivy Lee in the U.S.A. is unobjectionable and did not by far have the tendency and the scope as the Prosecution wants us to believe.

Like many millions of men at home and also abroad, Herr Dr. Ilgner thought when National Socialism came to power, that the excesses and blunders of the Third Reich would turn out to be just as such as time went on. He cherished the hope that the economic relations with foreign countries could be maintained and continued in the old form and thought at first that he could counsel indulgence. In the subsequent years, however, he realized the true nature of the unfolding Nazi dictatorship, and assisted political and racial persecutors in deliberate opposition to National Socialism. This attitude of my client at home and abroad has nothing whatever to do with the planning or preparation of a war of aggression.

In indicating to Your Honors the broad outlines of the most essential subjects of my argumentation in regard to count I of the Indictment, I am well aware that the Prosecution will attempt just the same to maintain its assertions, giving as a reason that it had been just camouflage, when the IG with considerable expenses endeavored to maintain the close connection with the world markets, in order to step up its exports. It will explain to you, Your Honors, that it is in the very nature of espionage to give everything the outward appearance of harmlessness and lawfulness, whereas in truth all organizations and intentions of my client had been directed at espionage and, therefore, at waging and planning a war of aggression.

Against that I wish to state here and now that I am not going to produce any arguments of the type called "probatio diabolica". It was solely up to the Prosecution to prove its statements. It failed.

I now proceed to Count II, comprising the alleged cases of plunder and spoliation. In part II of the trial brief, under B, the Prosecution enumerates the cases of spoliation which allegedly occurred in Austria, Czechoslovakia, Norway and France, giving this section of its representation the more guarded heading "Spoliation Cases apparently legal in form."

I need not expatiate on this point. Insofar as my client is involved at all I shall prove, just as my colleagues of the Defense, that those transactions are not only "apparently legal", as the Prosecution puts it, but actually unobjectionable. Thus, the negotiations with the Skoda-Wetzlar Plants in Austria covered several years. Their origin goes back to a time long before Austria's Anschluss to the Reich. Any pressure or coercion on the part of the defendants is out of the question.

In my argumentation I shall submit counter-evidence for each case under discussion. This count of the Indictment raises legal issues derived both from International Law and the Control Council Law No. 10, the solution of which eliminates a guilt of the defendants also for legal reasons. It will be the object of the Final Plea to discuss this.

Finally, the Prosecution believed to be able to establish the guilt of the entire Vorstand of the I.G. under count III, which the Prosecution pleases to furnish with the headline of "Enslavement and Mass Murder". My client was a member of the Vorstand. He had nothing whatever to do with foreign workers or with inmates of concentration camps in the scope of his work. No responsibility can be placed on Herr Dr. Max Ilgner under this count. The Prosecution endeavors to build up a personal guilt with far-fetched arguments. But neither the actual facts nor the tenets concerning the forms of participation in a crime, as understood by the criminal codes of all civilized nations and as they must be interpreted also on the basis

of the Control Council Law No. 10, offer a possibility to place any responsibility upon my client.

If, in conclusion, I mention the fact that there was never a question of a common plan or conspiracy of the defendants in which Herr Dr. Ilgnor is said to have taken part also (cf. count V of indictment), it is done for the sake of completeness. Here also the Prosecution still has to furnish proofs for its very indefinite assertions. In my Argumentation I shall come back also to this point as far as necessary.

I hope to be able to demonstrate to the Court in my Argumentation that Dr. Max Ilgnor is not guilty in the mean of the Indictment.

OPENING STATEMENT

DR. FRIBILLA (Counsel for defendant Leutenschlaeger):

Mr. President, Your Honors,

When there is an outbreak of cholera in Egypt, then even the laymen can read in all the papers that cholera vaccines are being sent to Egypt by plane from Rochester. The names of the "Rochester-Farbwerke" and the "Behring-Werke" are referred to with respect by medical men throughout the world because they know that, for decades, men have been at work there, producing innumerable efficacious medicine for the benefit of sick and suffering humanity. The chief manager of these plants Professor Leutenschlaeger, is sitting on the defendants' bench. In contrast to the one-sided description of the Prosecution, the Defense proposes first of all to show the spirit in which Professor Leutenschlaeger lived, worked and taught there. It will show that the demands he made on himself and his assistants were so exacting, particularly with regard to professional ethics, as to make those unrelated sections of his total activity which have been laid before the Court appear in a different light. You will find that far from being conducive to clarity, which is so necessary here, the Indictment of this man has created confusion among men of good will.

It will therefore be the first object of the Defense to clarify and elucidate the concepts introduced into the proceedings and to shed light on the alleged participation.

As for the Prosecution's attacks on Professor Lautenschlaeger's honor as a medical man, we shall first have to define the term "clinical test". Clinical tests were carried out in accordance with medical principles established over a number of decades. The medical man performing the test received from the manufacturer exact data on all essential qualities of the new remedy, its application, dosage and potential secondary effects, as well as information on the results of experiments on animals and on its effect and body tolerance as determined by self-experiment. The research laboratory is responsible for all these data. The testing physician is responsible for the further application of the drugs, the selection of patients, the modification of the dosage suggested, etc. We cannot detect anything wrong or any inhuman act in any systematic test of this nature. If the Prosecution chooses to single out a few of the approximately 50 remedies developed and released for testing purposes by the Hoechst laboratories between 1940 and 1945, the Defense will show that, in the case of these remedies, as well as of others, Professor Lautenschlaeger only proceeded in accordance with the highest ethical and medical principles. In addition, it will be explained that these remedies were placed at the disposal of Krugowsky's Office not because concentration camp inmates were available there, but because there was a danger of epidemics breaking out among the units under the jurisdiction of Krugowsky's Office, a danger calling for the use of these very drugs.

Inasmuch the Prosecution seeks to depict the tests carried out by the "Behring-Werke" and the "Hoechst-Werke" as a connected sequence, we must make it clear that they were in fact separate fields of work. Lautenschlaeger, who was in charge of the Marburg "Behring-Werke", merely issued general directives from his office at Hoechst. The leading officials of the Behring-Werke were recognized scientists, working independently, their

very character was a guarantee that they would not deviate from the principles of medical ethics. This independence of the "Behring-Works" explains why Professor Lautenschlaeger was not informed as to the details of the clinical tests, as, in keeping with Lautenschlaeger's directives, the "Behring-Works" passed on the vaccines to be clinically tested independently from him. These preparations for testing purposes were not newly-discovered products.

Dr. Pribilla

but well known and proven vaccines. There is not a single point in the evidence adduced by the Prosecution against the "Behring-Werke" which shows that these plants, in the process of supplying and testing the preparations, gained any knowledge of the improper application of these vaccines by criminal doctors. The Defense, in presenting its evidence, will confirm this statement by the testimony of witnesses and documents.

In the Hoechst plant, which was immediately subordinate to Lautenschlaeger, preparations for testing purposes were issued by one of his subordinates. The careful selection of that subordinate as well as his high professional qualifications were the especial concern of Professor Lautenschlaeger. The Defense will establish that in the cases put forward by the Prosecution, the preparations for testing purposes were issued in exactly the same manner as in all routine cases. The day came when, as a result of Dr. Ding's personal visit, Professor Lautenschlaeger became aware of the doubtful medical qualifications of this SS-Doctor, as well as of his questionable character though he did not realize that the man was a criminal. It will be proved that from that very moment, Professor Lautenschlaeger issued the clear instruction that Ding was no longer to be employed as a clinical tester, and that he was to be excluded from this work. It will be shown that this order was complied with.

In presenting its evidence, the Defense will also shed light on another point on which, so far, there seems to be some confusion. The inclusion of Hrugowsky and his Office in the circle of the doctors enlisted for the clinical testing of preparations can in no way be construed as meaning that Dr. Ding was also inducted. Hrugowsky was the Chief Hygienist of a branch of the Armed Forces and of other formations specially detailed to the Eastern epidemic areas. There was therefore no reason for not supplying Hrugowsky's Office with preparations, quite

apart from the fact that, as things stood in Germany, this would have been impossible. Therefore one cannot adduce later correspondence with Mrugowsky, as the Prosecution does, as proving a continued collaboration with Dr. Ding.

As for Professor Lautenschlaeger's work as chief of the "Talsingauwerke" (Main Valley Works Combine), this was confined to issuing appropriate directives for coordinating the general policy of these plants in questions of production and personnel management.

To sum up, the position of Chief of Works Combine was such that he could not issue orders or instructions to the constituent plants, but that, by virtue of his position as Chief of the large Hoechst Plant, he exerted some influence on them. Besides, every plant had its Betriebsfuehrer (Plant Leader) who had considerable independence. He always decided, independently and on his own responsibility, all questions bearing on the treatment of employees. It was incumbent upon Lautenschlaeger, as Chief of the Main Valley Works Combine, to see to it that the individual plants kept within the framework of his directives, unless orders to the contrary had been issued by the authorities. The employees of the Hoechst Plant were his special care. To help him in this field, Lautenschlaeger had a personnel department, the function of which was to deal with the housing, feeding, and wages of all employees, including foreign workers and prisoners-of-war.

Concerning the principle of employing foreign workers, this question had previously been decided by the government. Lautenschlaeger had no influence in this matter. Under the conditions prevailing in Germany, he employed foreign workers in the plants of which he was in charge in exactly the same way as was done in every other German plant. In presenting its evidence, the Defense will confine itself to showing that especially in the case of plants under Lautenschlaeger the social welfare, food, housing, medical care, employment and treatment of foreign

workers had been most carefully laid down by the plant management in the workers' best interests and accordingly carried out by the plant management's representatives. In this connection may I be allowed to emphasize the unique fact that the Chief of this world-renowned Chemical Plant frequently used to spend his nights as a kind physician, administering personally expert medical aid to his foreign workers, and seeing that everyone was well looked after in hospital.

This man was of course no Nazi. His whole outlook was centered so exclusively upon healing and helping, that — as will be substantiated by numerous testimonies — he was incapable of ever making any discrimination on grounds of race, religion or nationality. He owed his position exclusively to his professional qualifications as a scientist. The rules of the Third Reich were always suspicious of such a man. His joining the Nazi-Party or his appointment as Military Economy Leader (Wehrwirtschaftsfuehrer), facts adduced by the Prosecution, do not make the slightest difference in this connection. Everything Lautenschlaeger did for his foreign workers and everything he did to maintain the peacetime level of the production of medicines, he had to do in opposition to the Nazi-Party which watched him with suspicious eyes.

The Defense, in presenting its case-in-chief, will show that there is no evidence in support of, but everything against the thesis that this man was a party to the planning and preparation of a criminal war. The drafting of air raid protection plans, completion of production plans for the event of mobilization, as well as the subsequent delivery of preliminary products which, but further processing, might be utilized for war purposes, is within the framework of national defense measures which all countries of the world take in the ordinary course. This did not in any way change the nature of the Hoechst Plants as enterprises predominantly manufacturing medicines and other peacetime products.

The Defense will begin its case-in-chief with the examination of Professor Lautenschlaeger who will testify on his own behalf. The Defense will also submit numerous documents and call a few essential witnesses.

CERTIFICATE OF TRANSLATION

18 December 1947

I, Gunter K. WEBER, #35268, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of OPENING STATEMENT LAUTENSCHLAGER.

..Gunter K. Weber...
Gunter K. WEBER
35268

DR. BERNDT (Counsel for defendant Mann): Your Honor, may I ask whether the Tribunal will agree to hear me now? It is seven to twelve now, and I shall take up approximately twenty-five minutes.

THE PRESIDENT: Very well, we will hear you now, Doctor.

DR. BERNDT: MAY IT PLEASE THE COURT: Anyone coming to Leverkusen will perceive next to the main building of the IG administration another building that strikes you by its plain, clear and utilitarian structural features. It stands there bare of any adornment, with the world-renowned Bayer-Cross on its middle section. With the main administration building it is connected by a bridge. This building is the seat of the Bayer Sales Combine. In past years the father of the defendant MANN had been the manager of the Bayer Sales Combine; in 1931 my client succeeded his father in this position. Just as the building, so was the sales combine: plain, clear and utilitarian. From here the Bayer products were shipped all over Germany, all over Europe, and all over the world, also to the United States. Sales increased from year to year, and the successful work of many IG chemists vouched for the quality of the remedies which served to allay the sufferings of innumerable human beings, to cure diseases, and to save a great many human beings from illness and ailment. That was the task of my client MANN.

As I said, the Bayer building stands there by itself, connected with the main building of the IG administration by a bridge. Such was also the position of the Salos Combine within the huge Concern. It was independent but linked with the IG. This I shall present in detail because, without that, the defendant MANN's position and his actions and work cannot be understood and evaluated correctly.

Now, this defendant is charged, first, with having, alone or together with his fellow-members of the Vorstand or with other persons, taken part in the preparation, planning and waging of aggressive war. This charge is brought against the very defendant whose life work had been devoted to the struggle against death and to the alleviation of human sufferings. This very defendant is said to be guilty of participation in the unleashing of a war and of sharing responsibility for the killing of millions of human beings. This charge is brought against the very man whose motto was to heal wounds, not to cause wounds. This and nothing else was the ambition of his life, and in the course of my presentation of evidence you will come to realize that during the 25 years of his work for Bayer, my client remained faithful to this motto and did not have anything in common with any of the crimes that are the subject of this indictment.

The legal doubts with regard to counts I and V of the Indictment are laid down in the motion presented on 17 December. I can therefore dispense with going into that matter. On the grounds set forth in that motion, the defendant is to be acquitted of counts I and V.

In spite of this, I am compelled to go briefly into some specific charges brought against MANN under Count I.

On what grounds does the Prosecution try to show proof of the defendant's guilt?

He is alleged first of all to have supported the Party and its organizations with substantial donations. I am going to prove that the donations for the NSDAP and its organizations coming from the Sales Combine Pharmazeutika and from the defendant IAIN have been very small indeed taking the average of the entire period from 1933 to 1945 or comparing them with the enormous sums spent by the Sales-Combine BAYER in aid of charitable and social institutions. It will become evident that those so-called political donations cannot be regarded by any means as a support of the Party or of the Nazi regime, and that in no case whatsoever have payments been made in support of seditious propaganda or agitation abroad.

In General Taylor's words, the defendant is supposed to have participated in "setting going a violent and malicious propaganda-campaign which would have done credit even to Goebbels." What is the truth of this matter?

It is only natural that the IG had an excellent economic intelligence service and it is equally natural that they went in for extensive economic propaganda. Particularly Bayer, whose pharmaceuticals were bought all over the world, was very very active in the field of commercial propaganda. From 1934 onwards, and even more so since 1937, the export sales became rather difficult on account of boycotting measures against German goods. Bayer therefore were forced further to increase the advertising of their products and, pointing to certain scientific achievements, emphasized the German character of those products. This was in no way a homage to a Nazi regime or a political system but merely a matter of advertising IG Farben products, which happened to be of German origin.

Viewed in this light, the evidence offered by the defense must be regarded from an angle differing from that of the Prosecution. Moreover, I propose to prove through documents and witness' examinations that in no way has any Nazi-propaganda been made in foreign countries. It is in-

interesting to note in this respect that the Prosecution establishes as a very serious incrimination the fact that a Bayer agency let the Brazilian broadcasting service have, on the latter's express wish, some material for anti-Communist propaganda. After the result of the London Conference, it will suffice to underline this without adding another word.

The Prosecution's assertion that the Bayer organization had made political propaganda abroad by granting special contributions or by sending out Nazi-propaganda-material, is not correct. I propose to prove that although the Ministry of Propaganda and the propaganda department of the Gauleitung demanded this of Bayer, the defendant Mann and his associates managed to reject by far the greater part of these demands.

The Prosecution's assertion in the opening statement that "Bayer" had "studiously adapted their sales and advertising-program to National Socialistic ideas" has not been proved by the evidence produced by the Prosecution. On the contrary, I shall prove that the instructions from the Ministry of Propaganda were not heeded at all and that the position my client held as a member of the Propaganda-Council for German Economy gave him the opportunity to oppose these demands rigorously and effectively.

I shall absolutely refute the accusation with regard to the dismissal of Jewish employees in connection with the NS-Organization of Germans Abroad. I am going to prove that all - nearly 50 - of the Jewish employees of the Sales Organization Bayer who had to be dismissed upon special official instructions, received, without exception, compensation far in excess of all legal regulations, in several instances up to three years' salary. Nobody has ever been ruthlessly kicked out into the street by my client or his fellow-men, and nobody has ever been denied aid. None of Bayer's "non-Aryan" employees has been illtreated and none of them has perished.

Furthermore it is being asserted that the Bayer agencies had been involved in espionage. Not in a single instance has it been proved that

Bayer participated in any kind of espionage. The accusation raised against some Bayer - employees in South America I can also refute without difficulty. I shall prove emphatically that Bayer never engaged in, or tolerated, espionage in any way.

Furthermore, my client is charged with having boosted exports as a contribution towards the economic strengthening of Germany after 1933, thereby having deliberately created a fund of foreign exchange for armament purpose. As can easily be proved, my client never drafted, or participated in, an export scheme for the government. Stress must be laid on the fact that the foreign turnover of the I.G. rose to 428 millions in 1939 from 406 millions in 1933, i.e. increased by only 5%. The idea of contributing towards a war of aggression, secretly prepared by the men in power, by exports and by getting up a fund of foreign exchange could not and did not occur to him any more than to any other German industrialist. The quoted export figures prove clearly that, rather than with a boosting of exports, they were concerned with the defense of commercial footholds gained abroad in long years of hard efforts. It is true that later on, in 1940, that is, after the outbreak of war, my client backed a special export scheme. This scheme, however, as I shall prove, aimed solely at achieving a conservation during the War of the Bayer business with its far-flung ramifications in many parts of the world.

With Mob(ilization) plans, such as the Prosecution regards as preparatory to the war of aggression, the Bayer sales combine had nothing to do. However, it had to draw up preparatory surveys intended to show the commercial staff requirements in case of war.

The Prosecution furthermore raised the charge that the Bayer sales combine withheld from the US certain compounds, such as Atebrine and the Sulfonamides in order to weaken deliberately its war potential. The Prosecution, however, did not produce any evidence to substantiate this allegation nor is it likely that it could do so. I shall prove however that

the I.G. Farben strictly and scrupulously fulfilled its contractual obligations towards the US partner also in regard to the Sulfonamides and Atebrine. While credit is due to Professor Hoerlein for having enabled the US partner, by timely transmission of the processes and the most essential elements, to take all steps for the production of Atebrine independent of I.G. Farben, my client, in addition, successfully endeavored to ensure completion of this in behalf of the American partner as late as 1 1/2 years after the outbreak of the War in Europe. In so doing he had to use considerable circumspection in front of the German authorities. The fact is that the thorough knowledge of the production process of Atebrine enabled the US to develop production of Atebrine on a giant scale and thus to fight malaria in the Far East. According to American publications this successful fight against malaria is to be regarded as a most valuable contribution towards the America's victory over Japan.

No more comments need be made on Count I.

Under Count II, my client is charged with being a party to spoliation in Russia and France.

As regards Russia he is said to have participated in the preparations for the looting of Russia as chairman of the Russia Committee and the Commercial East Committee respectively. There never existed such a thing as a Russia Committee. The witness Franck Fahle and the witness Kruoger said this quite clearly. The tasks and the activities of the Commercial East Committee were completely misinterpreted by the Prosecution, as I shall prove. As first, this East Committee was nothing more than a certain center for information which was collected there in connection with the economic situation in Russia. The document of Herr de Haas, sent to the entire Vorstand at the order of my client, to which the Prosecution mainly refers in support of its charge, was a situation report of that type, based in the main on information by the authorities, in particular by the Reich Ministry for the Eastern territories. The East Committee did

not take part in the setting up of any Eastern companies. It only advocated the foundation of the "Riga-Konto" sales combine which sold German manufactured products in the Eastern territories, particularly in the Baltic countries. This company did not remove any merchandise, machines or other articles from the Eastern areas. Nothing whatever has been taken from Russia through Mann's activities. On the contrary it was owing to him that Russia received badly needed pharmaceutical supplies and other I.G. Farben products. All that I shall substantiate by producing documents and witnesses.

Furthermore, it is alleged that my client participated in the looting of France, to be accurate, in the case of Rhono-Poulenc. For this transaction Mann assumes responsibility. I shall prove that from the agreements made by my client with Rhono-Poulenc considerable advantages accrued to the latter. In my argumentation I shall prove that the negotiations which were conducted resulted in arrangements for a term of 50 years based on strict reciprocity. On the part of the I.G., concessions of the utmost importance were made to the French partner, such as they were made only in one case in the previous history of the Bayer corporation - that is, in the case of Winthrop in US. Instead of gaining control of the French pharmaceutical industry, as the Prosecution alleges, the IG through the negotiations conducted by my client, placed the pharmaceutical business in France, previously transacted by Farben, under the control of a French operated company through the Theraplix agreement. The I.G. Farben waived their right to continue their business in France which they had operated successfully for decades in favour of the firm of Rhono-Poulenc, and this at a time, when such a concession could be effected only with the utmost difficulty under the existing Nazi rule.

It will be my task to present to the court the actual events and to point out the results of these agreements which were exceptionally favorable to the French partner. Then Yours Honors will realize that the in-

tentions of my client, as far as these and other business-transactions are concerned, were not of the sort as one might gather from the Indictment and particularly from the speech of the Prosecutor, while introducing his exhibits. The writ of the French court, introduced by the Prosecution, concerning the nullification of the contracts signed with Rhone-Poulenc is not to be taken as a precedent. We do not know the legal provisions and the circumstances detail according to which the French decision was made. None of the defendants were present at the French trial, none of them got a legal hearing or could produce counter evidence.

The fundamental change of the situation may now be a reason to view the contracts under discussion here from a different angle. This, however, cannot be the opinion of those men, who took the responsibility for agreements despite the reserve which they should have shown in face of their country's situation at that time; agreements, which proved of great advantage to their undertaking and also to the French economy. It was not the attitude of political collaborators; Not "collaboration", but "cooperation" was the password for an understanding on an objective, rational basis, which was the economic political background for these arrangements. My client claims to have carried out in a fair and correct manner what was expected of him, just as he on his part was always convinced of the political integrity of his partners.

As head of a sales combine, my client had nothing to do with matters of production. He therefore never came into contact with the special problems arising in this field nor with those problems which arise in war time, for instance the procurement of labor.

The most monstrous accusation against my client is that he is supposed to have participated in the mass murder on the greatest scale ever known in the history of mankind. As chairman of the administrative committee of the Gogesch he is supposed to have known of the extermination of millions of people with cyclon B, and to have done nothing to prevent it.

This accusation, directed also against some of the other defendants, has been made at the end of the entire hearing of evidence. This accusation and the manner in which it was presented gives me the impression as if after the fireworks an additional rocket has been set off; it lights up quickly, fades after a short time - but nothing remains. The accusation will collapse in the same manner when I produce my evidence. This accusation against my client made in this courtroom, has been made before the whole world in this courtroom. I must insist therefore that I may prove before the public that this accusation has no foundation, I repeat, no foundation whatsoever. I have to submit therefore, that my witnesses in this case be heard in this courtroom and not by a commissioner. I believe this to be only fair and just.

I shall disprove this last and severest accusation made against my client, as well as the others - I am convinced of that. As General Taylor mentioned in his opening statement, no act of revenge must be committed here, but the actions of the defendants must be judged according to laws and commandments. According to laws the defendant Mann has not done anything criminal, according to commandments he has done no wrong.

THE PRESIDENT: Gentlemen, will it meet your convenience now to reconvene at one-thirty as usual?

DR. BOETTCHER: Yes, Your Honor.

THE PRESIDENT: Very well, the Tribunal will now arise until one thirty this afternoon.

(Tribunal in recess until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours.)

THE MARSHAL : The Tribunal is again in session.

THE PRESIDENT: The Defense may proceed with their statements.

DR. HEINRICH KENZEL, COUNSEL FOR THE DEFENDANT OSTER:

Your Honors,

As Counsel for the Defendant, Dr. Heinrich Oster, it will be my task to occupy myself also with his personal activities during the last decade and a half, as the charges are also directed against him as an individual. They are also extended against him as a member of the Vorstand of the I.G. and seek to place upon him responsibility for the entire business activities of the I.G. I have to deal with this, as well as with the further charge that, together with the other defendants, he entered into a common plan to commit the crimes against peace as set forth in the Indictment. I will not at this stage go into the question whether the conception of the conspiracy permits of as wide an interpretation, as the Prosecution desires. I confine myself to-day to reference to the statements made by the Defense in the morning session of 29 October last.

After a study of the extensive Indictment and of the mass of evidence comprising nearly 1400 documents, I have gained the impression that the Prosecution deliberately do not wish to have the scope of responsibility of the individual defendants clarified, in order that it should not be shown how small their part in the activity of the I.G. really was. I will therefore endeavour to bring some light and clarity into this desired darkness, since, according to recognised principles of criminal law, as expressed also by the IMT, the individual defendant can only be made responsible for acts actually committed by himself or in which he consciously took part. This was upheld by the Military Tribunal II in the proceedings against POHL and others. In its judgment it unequivocally adopted this standpoint.

In order to keep within the bounds of my aim, I will, during the submission of my evidence, only refer to the Prosecution documents in so far

as to any sensible extent they affect my client.

If I may now turn to Count I of the Indictment and deal with what my client has done or is supposed to have done in this connection I find, on looking through the documentary material, very few documents which show any acts of my client himself or of his subordinates. These few business incidents are, in comparison with the whole of the Prosecution material, so insignificant, that one is obliged to come to the conclusion that they are not in any way causal to the event of the last 15 years, as set forth by the Prosecution, viz. the planning, preparation and waging of aggressive war. Otherwise, it would so extend the conception of causality as to contradict every recognized theory of causality. So far as occurrences are concerned which can be brought into any connection with the war at all, they do not necessarily imply a connection with a war of aggression. In the few cases in which they can be brought into connection with a war, the decisive question is whether my client worked on these business tasks for reasons which were connected with the war or with other circumstances concerned in the charge. This is a question which brings in the personal attitude of my client, to which I shall later revert.

With reference to the responsibility of my client, as a member of the Vorstand of the Farben for the activity of this firm, I should like to preface my remarks with some actual facts.

From 1930 onwards, my client was, in his principal capacity, a business manager of the Nitrogen Syndicate, the Stickstoff-Syndicate G.m.b.H., an independent firm, to whom the whole of the Nitrogen producers of Germany had entrusted the sale of the Nitrogen produced by them. The Syndikat was a company outside of Farben and Dr. Oster, was one of the business managers of this undertaking and was responsible for the sale of the nitrogen fertilizer. The sale of the technical nitrogen was not handled by him, but by another of the business managers, who was on the same level as himself. This makes it clear that his field of work had nothing to do with the rearmament, which the DNT did not declare criminal as such.

It would have stood rather in opposition to the technical nitrogen, as, in the nature of things, he would be much more interested in diverting as much nitrogen as possible to agriculture, since this was his business.

My client was, for 90% of his time, occupied with his business in the Stickstoff-Syndikat, in which he was, besides, also the Plant Manager. The Stickstoff-Syndikat employed about 100 persons and had a turnover of 540 million Reichsmark. This is not to be compared with the fact that, for his duties in the I.G., as a member of the Vorstand, my client had only the Baden Department belonging to Farben, with a staff of only 6 persons, at his disposal.

The circumstance that Dr. Oster, as delegated by Farben, as business manager of the Syndikat, also belonged to the Vorstand of Farben was due to the fact that, in the years preceding 1930, the nitrogen business was of much greater importance for Farben, than in the past decade, which is also illustrated by the Prosecution. The development of the nitrogen business in Germany and the rest of the world and the development in price and profits bound up with it had as result that nitrogen lost considerably in importance compared with the powerful new development in the province of coal hydrogenation, acetylene chemistry and many other fields of chemical industry. Whereas in 1928 the turnover in nitrogen still made up over a third of the total turnover of Farben the picture ten years later was already so changed that the nitrogen turnover then comprised only about half of its former bulk, viz. about 15% of the Farben turnover.

I may add that while the nitrogen production of all the nitrogen producers in Germany increased from 1929 to 1939 by about 25%, Farben share showed a consistent downward curve. I mention this, in order to make it quite clear that my client's sphere of work was - from the point of view of Farben - a side activity of small significance, and that the preponderant part of his energies was transferred more and more to the Nitrogen-Syndikat. It is not my intention nor the desire of my client to minimise

his importance and responsibility. I merely wish to make it clear that Dr. Oster worked essentially in a field that lay outside of the limits drawn by the Indictment. This point is further illustrated by the fact that, when he retired in 1944, it was not intended to appoint his successor in the Syndikat to membership in the Vorstand of Farben. During the presentation of my evidence I shall produce proofs of that facts which I have here only indicated.

As Dr. Oster's position was a commercial one, it was a matter of course that he became a member of the Commercial Committee. I will produce proof that the importance possessed by this Committee fell far short of that ascribed to it by the Prosecution and that my client's role in this Committee also was a minor one, since he did not have behind him the commercial organization of Farben, which the other directors of the other sales combines did possess and moreover he had no authority by himself to apply the suggestions and decision taken there to the differently constituted organization of the Nitrogen-Syndikat. The Syndikat was moreover not committed by any regulations initiated by Farben.

Having briefly outlined the facts which will make clear the position of my client, may I express the conclusions which I draw from them. It is evident from the immense scope of Farben, and the merely subsidiary sphere of activity of my client, that many things in the activity of Farben must have been unknown to him. I have mentioned this to support my assertion that in an Aktiengesellschaft of such an extent, it is impossible that the individual members of the Vorstand could be made responsible for the entire activity of the firm. Farben cannot in this connection be regarded on the same level as the average Aktiengesellschaft; it must be realized that Farben even after its amalgamation with several other firms, remained a decentralized firm, in which each of its members could survey only

his own and related spheres. This applies particularly to Dr. Oster, who had no I.G. Department, but only managed an independent firm which had I.G. participation. If every individual member of the Vorstand in such an undertaking is to be charged with the duty of checking the entire activity of the Company, the Vorstand would consist of persons who know a little about many things, but nothing entirely.

The responsibility incumbent upon a member of the Vorstand is moreover one of corporation law, i.e. of civil law, and has nothing to do with responsibility under criminal law, which can only be a personal one. If the Prosecution wishes to establish a corporate responsibility of all the members of the Vorstand, this would imply an attempt to characterize the Vorstand of the I.G. as a criminal organization within the meaning of the Charter. The Prosecution has purposely refrained from doing this, because it would have called up a reference to the Judgment of the IMT, which in such cases also required the individual proof of personal guilt. To go any further into this point would merely be a repetition of what has already been said by my colleagues. If the Prosecution wished to establish the responsibility of all of the members of the Vorstand, then it would have had to prove the knowledge by every individual of all the business matters, which it has not done.

The actual circumstances as described by me also show that in the nature of things there can be no question of a general scheme for the planning, preparation and waging of wars of aggression. So far as I have been able to see up to the present, the Prosecution has submitted no evidence whatever of the existence of any facts in respect to Dr. Oster which permit of the conclusion that there existed a common plan to commit the alleged crimes. The fact that several persons in a firm have worked in a leading position and that this firm has developed a business activity which could to some extent be of importance in a war does not prove that all those participating in its efforts purposely and in unanimous agreement aimed at a war, let alone a war of aggression.

In addition to that, it appears to me that the Prosecution rather simplified matters for themselves when branding all members of the I.G. Farben Vorstand as accomplices in a common plan or plot. Usually, the objects aimed at by the Vorstand of an economic enterprise are different from those of participants in a common plan to prepare a war of aggression. It seems unbelievable that all Vorstand members should be at the same time members of a conspiracy the objectives of which are of a different nature than those of an economic enterprise. I would ask you to take into consideration the fact that appointment to the management of a company demands as a prerequisite a certain amount of knowledge, certain achievements and experiences, and that the selection was made from these points of view. That all these people should have simultaneously combined to carry out a plan of a different nature is so unnatural that it would have required direct proof, and this was not offered.

I beg to point out that it was possible to keep I.G.'s Vorstand free from any representatives of the Third Reich. Why was that the case if all Vorstand members were agreed on working for a war of aggression? In that case it would have been sensible to have a representative of the Nazi system as contact-man among their own ranks.

If I may now be permitted to say something about my client's personal responsibility for his own field of activity, it is the following: I shall prove to the Court that in the business policy for which he was responsible, my client was guided by his desire for understanding. He acted accordingly in his dealings with the partners of the Stickstoff-Syndikat (Nitrogen Syndicate). This spirit also prevailed in negotiations with the foreign partners with whom agreement existed in the actual field of nitrogen for 10 years before the beginning of the war. After the war also, Dr. Oster allowed himself to be guided by these points of view, and after the occupation of various countries by the German armies he soon established contact with the partners there in order to resume relations as they were

before the war. It was his desire to cooperate in the field of nitrogen on a plan which was to facilitate reconstruction after the end of the war at the point where the ties of understanding had been cut off in 1939. This attitude will be shown by the evidence I am going to present. It proves that my client's attitude stood in direct opposition to the facts alleged by the Prosecution and that he had no knowledge of activities aiming at a war of aggression.

The Prosecution did not offer any direct evidence of my client's guilt. Apart from the facts just mentioned, I may refer in this connection to the verdict of the IFT which acquitted several persons charged with planning, preparing, and conducting a war of aggression, who were members of the government of the German Reich, and thus of the very agency representing the process of formation of the political will of the Reich, and were, therefore, in considerably closer contact with the Government of the Reich than my client Dr. Oster. Thus it cannot be assumed that Dr. Oster had any more or better knowledge than these persons.

With respect to Count II of the indictment, the Prosecution mentions my client in the documents produced only in connection with the Stickstoff Oet G.m.b.H. which was formed after the beginning of the war against Russia. I shall be able to furnish evidence that this company which was established on the suggestion of the Reich, did not take any measures that by any could be considered as robbery or spoliation.

Furthermore, the indictment says that in 1940 my client became a member of the Styre (management) of the Norsk Hydro A/S at Oslo, the largest enterprise in the field of chemicals in Norway. The Prosecution associates this appointment with the formation of the Norwegian firm Nordisk Løtmetall A/S., an establishment in the field of light metals, which was formed simultaneously with the Norsk Hydro, and sees in this fact a participation in robbery and spoliation. To what extent there was any question there of robbery and spoliation will be shown by my colleagues, who will supply counter-evidence. I am merely asserting, and shall supply

proof of this, that the appointment of my client as a member of the Styre (management) of this company, with which he had already been working in a friendly spirit for years, was not prompted by those alleged reasons.

As regards Count III of the indictment I beg to observe that Dr. Oster as a business-man and manager of a commercial enterprise, had nothing whatsoever to do with questions of labor allocation. There were no factories under him. It was no business of Dr. Oster's to deal with the procurement of manpower required for the fulfillment of the production orders imposed by the government of the Reich. Neither had he to deal with the foreign labor program. Since this was in the hands of and controlled by the State he was doubly removed from it. Therefore, I need not produce evidence supported by actual events.

Count IV of the indictment does not apply to Dr. Oster; Count V has already been discussed by me, so that I may conclude my statements.
DR. WAGNER: Wagner for Dr. Wurster.

America has little knowledge of the continent of Europe in general and of Germany in particular, Germany and the continent of Europe on the other hand know little about America. There are only a few people, who know that the sessions of the Senate of the United States of America are invariably opened by a short prayer (one minute prayer), spoken by a clergyman. This prayer is published in the "congressional Record" together with the minutes of the Senate meeting. One of these prayers by the Rev. Dr. Peter Marshall read as follows:

"Shed the light of Thy Holy Spirit within our minds and hearts, that all who sincerely seek the truth may find it, and finding it may follow it, whatever the cost, knowing that it is the truth that makes men free. Where we are wrong, make us willing to change, and where we are right, make us easy to live with."

Under the Hitler regime, at the time when darkest night had spread over Germany, when propaganda had usurped the place of truth, my client, Dr. Carl Wurster, too, preached the gospel of truth to new trainees.* He described Truth as the basis of the future activity of these young people and pointed out that everything in nature and also in the Science of

* when they joined the Badische Amilin- und Sodafabrik Ludwigshafen/Rhein,

Chemistry was subject to the Laws of Truth and that the laws of nature would not be denied or perverted with impunity. All those who sincerely seek this truth, may find it, if they are filled with the spirit of which the prayer speaks. This truth, which it is our duty in this trial to find, must however be accompanied by justice. Truth makes man free: justice is the foundation stone on which is built the communal life of an orderly human society. As defense counsel I shall therefore fight with the sword of truth to win for my client, Dr. Wurster, the liberty, which he expects from your sense of justice.

Dr. Wurster is accused together with the other defendants of being a war criminal. That is the simplest formula in which the indictment can be expressed. But the Prosecution have never asked Dr. Wurster what he has to say to those accusations, in spite of the fact that they had time and opportunity enough for such questioning. He never had an opportunity of defending himself against those who made these serious and positively defamatory attacks against him. He was taken from the hospital at Ludwigs-hafen, the town where the Badische Anilin- und Sodafabrik is situated, and put into a prison hospital at Nuernberg and then into the dungeon, but nobody knew what this man had to say to these aspersions. The only statement he has made in this trial so far, was not addressed to the Prosecution, but to this Court and was somewhat formal in nature. It consisted of two little words. When he was asked, whether he pleaded guilty or not guilty, he said "not guilty". To Dr. Wurster, however, these two words "not guilty" mean more than a mere legal formula, they mean genuine assertion of his complete innocence. They are the words of a man who, as I hope I shall prove, deserves credence. He is convinced, and so am I, that no blame can be attached to him in this trial either from the legal or the moral point of view.

The Prosecution is inclined to take the easy way out. In the indictment as well as when submitting evidence, the statement occurs time and again, that "all defendants" had done such and such a thing.

OPENING STATEMENT WURSTER

but the prosecution does not take the trouble of examining or proving the guilt of any individual defendant. There is no appreciation of the character of the person concerned or of his ability to commit the crimes with which he is charged here. The examination of the individual which must form in law more than anywhere else the basis of jurisdiction is sacrificed to a mechanical collectivist judgement which makes its violent and destructive path across everything and everybody. There is not a trace left of the theory of the value of the individual and of his claim to be assessed and treated as such.

Judging from the attitude of the Prosecution in this trial, that great country which represents the last hope of all men standing for the freedom of the individual in the world, seems to have been induced to throw all those principles overboard. If this were true, the only thing left would be despair, but fortunately there remains good hope for all who know from long personal experiences in the United States that American judges with their proud and great tradition are warranting always and everywhere those principles of freedom of the individual.

Anyone who examines the charge brought against Dr. Wurster as a whole or individual points thereof in the light of his character is bound to realize that the charges against him are baseless.

The fact that in 1932 when as the Prosecution alleges between I. G. and Hitler was concluded which formed the origin of the alleged conspiracy, Dr. Wurster was one chemist amongst hundreds in the Ludwigshafen plants, who had not the slightest idea of the business transacted in the higher spheres of the I. G., and was not in a position to have any knowledge at all of these matters. This does not bother the prosecution at all. It is true that being a young chemist, 31 years of age, he had already made a strong impression in 1932 by dint of his inventions, of a considerable number of patents both at home and abroad, of the new processes he had developed. But he had just as

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little influence on the I. G. Farben concern as a whole as any other chemist, a fact which nobody will be able to deny. The fact that he was appointed a member of the Vorstand of the I. G. at the age of 37 in 1938, 5 years after Hitler and the Nazis had usurped power in Germany, was due entirely to his exceptional achievements in the sphere of chemical science, to his untiring energy and to the fact that the people responsible for his appointment realized that. He was appointed a Vorstand member of this great concern in spite of the fact that he had no connections and that he had no personal, social or family relations or any outside influence. Dr. Wurster is a selfmade man in the real sense of the phrase. He was forced to earn the money for his studies himself, he coached schoolboys and students, and studied at night. During the vacations he worked in a factory as works student (Werkstudent), in order to be able to finance further study and to complete his studies. His was a hard life. A man who rose to the top the hard way and who is not ashamed of that fact but proud of it, such a man has special characteristics. You, your Honors, are perfectly familiar with such men and their characteristics in the United States. When Dr. Wurster, who had only been a chemist up to that time, became Plant Manager of the large plant of the Badische Anilin- und Soda-fabrik in Ludwigshafen and Oppau, when he was made a member of the Vorstand of Farben, he was faced with a gigantic task. He took pride in this plant with its 25,000 odd employees, to which he devoted all his not inconsiderable energy. It was his aim to promote in his plant the science of chemistry and the production techniques of the chemical industry and yet to create a community embracing all the workers in the plant. He himself wanted to be nothing, but the first worker in this community, who took upon himself the lion's share of the work and the longest working hours. The human being was his main preoccupation, when to make better and happier all these plants, all these machines and all these installations had been intended. It was his lofty aim to provide better, healthier and more beautiful residences for all those who worked in the factory,

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to construct a modern hospital and to develop further the social services of the factory, progressive though they were, and to take the boss-work-er relationship out of the cold atmosphere prevailing between employer and employee into the warmer atmosphere of human relationships. That was his lefty aim.

To make life better for his men; that he considered to be his task as Plant Manager of the Ludwigshafen plant. All that I shall prove. It is impossible that a man who holds opinions like Dr. Wurster's, should see anything in war except a terrible disaster. War was bound to disrupt all his plans and to destroy all his constructive hopes. Thus Dr. Wurster was opposed to all rumors of war. To him who had put his life in the services of reconstruction and not of destruction, war in any shape or form, was as he used to say frequently, criminal lunacy. I shall show that that was really Dr. Wurster's attitude to war: an attitude born of his high moral character. Apart from that, Ludwigshafen, the site of the factory he directed, is close to the French frontier, so that his reason too, told him, that war must inevitably lead to the destruction of the factory which he was about to develop to the full. Thus, when war did break out in 1939, a short time after he had been appointed a member of the Vorstand of I.G., nobody could have been more surprised or more dejected than Dr. Wurster. How can one accuse a man of such a character, of such a point of view of having participated in the planning, preparation and waging of aggressive war. In the eyes of any man, who is prepared to face the truth, there will be nothing left of that accusation when I have finished presenting my evidence.

The Prosecution must have had the feeling, that something more was required in the way of evidence to make a planner and initiator of aggressive war of Dr. Wurster; they have put up in this court room a diagram on which a swastika has been put against the name of Dr. Wurster, too. I shall show, your Honors, that my client, when he had

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already risen to the top in the Ludwigshafen plant, categorically refused the invitation issued to him by the omnipotent Nazi Gauleiter, to join the Nazi party, that he never joined the party voluntarily, and that he was summarily declared to be a member at the end of 1938 by a party order issued by the Nazi authorities.

immoderate and destructive theories of Nazism. I shall prove that by means of the testimony of men who fought against Nazism and of others who became victims of the Nazis and further of men who made their inquiries on the spot as officers of the occupying forces. I am sure the connection between his name and the dykewill in your eyes have been severed when this evidence has been submitted. Dr. Wurster was a friend of peace and a hater of war. He has been in the past, and is today, a man who loves progress and liberty, and who has rejected Nazism for that reason. He has been in the past, and still is, a professing Christian man, who was opposed for religious reasons alone to aggressive war and to Nazism.

In connection with Count II of the indictment the Prosecution have submitted as evidence against Dr. Wurster a draft, hurriedly dictated, of notes on his 5 day trip to Poland. They have attached to that hurriedly dictated draft of notes such importance, that it has been used in the Opening Statement for the Prosecution. It has been used in a way which shows that they were delighted to have found at long last a piece of concrete evidence against a man of integrity, a document which makes it appear as though he were a man whose character had been corrupted after all by the sinister influence of Nazism. The intention was to set upon him a snake with poison fangs. Through our evidence we propose to extract the venom from those fangs and to render them impotent. We shall go even farther, and prove the opposite of that which Prosecution intended to lay to Dr. Wurster's charge with the aid of those notes. We shall show, that he felt sympathy towards those whom he met during that trip in their misery and that he, so far from playing the anti-Semite according to the construction arbitrarily put upon the notes by the Prosecution, defended during that short trip to Poland no less than during the whole of his career, not in words only but also in deeds all those who were persecuted unjustly, and therefore, the Jews who were so persecuted. The evidence which we shall present to vindicate the attitude of Dr. Wurster, gives me

the right to say that it would be very difficult to find, in other countries, men who would have behaved as decently towards the persecuted Jews or who would have intervened on their behalf as fearlessly in similar circumstances, as he did. A man who turns in this way against all theories of racial superiority, as I shall prove that he did; a man who judges his fellow men on their merit irrespective of race or political opinions; a man who so honours and respects labor as he does, is incapable of committing what are called crimes against humanity. Granted that there were in the plant for which Dr. Wurster was responsible as a plant manager from 1938 onward foreign workers of many nations and prisoners of war. There is no doubt in my mind that I shall succeed in convincing you through the evidence we shall submit that there was nothing at all, which Dr. Wurster or anybody else (and there are quite a few people in the same position) could do about the employment of foreign workers. The totalitarian State of the Nazis, which had by its policy brought about the war, would have destroyed as a saboteur, or, as they say in totalitarian States, would have "liquidated", anybody, even Dr. Wurster, too, who would have refused to employ foreign workers during the war. All one could normally expect of a plant manager in his position was that he should do his utmost to make work and life as easy for these foreign workers as was possible in the circumstances. We shall show that Dr. Wurster did that, and more than that. We shall demonstrate to you by the means of documents that officials as well as private individuals complained that foreign workers in the Badische Anilin- & Soda-Fabrik at Ludwigshafen were treated far too well, or that they were even being "pampered". Dr. Wurster did all he could to provide for these foreign workers adequate accommodation, food, and decent treatment: he issued instructions to that effect, and he saw to it, as far as that was humanly possible at all, that these instructions were carried out. We shall moreover show that everything was done to make the foreign workers feel at home. I have no intention of going into details, or of dealing with all

the points raised in the evidence. As far as the treatment of the foreign workers is concerned, all those who were on the spot and who had for these foreign workers feelings rather stronger than mere sympathy are unanimously agreed that Dr. Wurster's attitude to those men was one of decency, understanding and helpfulness: it was, in short, a humane attitude.

Let the Prosecution accuse Dr. Wurster of any crime they choose: it is absolutely impossible that he ever committed an action which would discredit him in the eyes of honest men of any nationality. It is one of the most remarkable facts in the Case of Dr. Wurster that all the sections of the population who knew him as the head of the great Ludwigshafen plant, and all the workers and employees irrespective of their political opinions or religious convictions or social position in the plant, respect, honour and love him. That I shall prove. When Dr. Wurster who had been lying, seriously ill, in Ludwigshafen hospital, was at last transferred in an ambulance to Muenberg as a result of the inexorable pressure brought to bear upon him by the Prosecution, the official representative of the employees of the plant presented him with flowers and formed a guard of honour. More than 19,000 employees and workers of the factory went on strike like one man for one hour in sympathy with him. We shall submit to the court the relevant documents. I do not think that I am saying too much when I claim that it would be difficult to find, not only in Germany, but in any country, relationships between employers and employees being what they are, the staff of a factory supporting a director unanimously and voluntarily in the way they supported Dr. Wurster. I doubt whether I have met any man in my very eventful and full life of whom it could have been said that he had no enemies. I have met such a man here, in the person of Dr. Wurster. I am almost inclined to think that the Prosecution are his only enemies: and even they would change their opinion if they but paid heed to the words of the Rev. Marshall, provided they studied the man, and not only the documents in

the case. When the American armed forces occupied the Ludwigshafen-
Oppau plant in March 1945, after the collapse of the German army but
prior to the cessation of hostilities in Germany, they soon formed a
similar opinion of Dr. Wurster and left him in charge of the management
of the factory. They made careful inquiries about Dr. Wurster on the spot,
as we shall prove by means of the testimony of an American. They did not
only study the documents in the case, they gained their conviction on the
very spot where the truth could most easily be established, in the place
where he worked. They found in Dr. Wurster a man who had disobeyed the
orders of the Nazi Leviathan issued at the end of the war prior to the
arrival of American troops to blow up the whole of the factory and to
withdraw to the other side of the Rhine. They discovered that Dr. Wurster
had sabotaged the order of the Nazi bosses at the risk of his own life,
thus saving the important factory and the town of Ludwigshafen from ruin
and destruction. That too I shall prove. They found in Dr. Wurster a man,
who opposed all the lunacy and prevented it and averted disaster by his
attitude. The American occupation authorities collaborated closely with
Dr. Wurster during the time they occupied the Palatinate and Ludwigshafen.
When they left that area on 10 July 1945, to hand it over to the French
occupation authorities, they expressed their regret at being unable to
continue working with him. That we shall prove. We shall also prove by
means of the same testimony, that Dr. Wurster and others were considered
by the Americans after a thorough examination of the facts and in accord-
ance with the experiences they had made, as "honest and honorable gentle-
men upon whose word" they "could depend."

If it was not a similar opinion of Dr. Wurster which caused American
authorities to offer him a good position in the United States of America
a short time before this indictment was filed, what was it? Can all these
people, the German population who know him so well, no less than American
war veterans who know their job, who went into the case and who worked
with him day by day, can they possibly all be wrong, and can the Prosecuti-

be right who have nothing to show but a few miserable documents?

When the French occupation authorities took over from the Americans the occupation and therefore the administration of the Badische Anilin- & Soda-Fabrik, Ludwigshafen aRhine-Opau, the same thing happened. After a certain probationary period Dr. Wurster was reinstated as manager of the factory, his record having been investigated. As an exceptionally large percentage of the foreign workers and prisoners of war had been French, the French authorities of course instituted immediately an inquiry into the treatment meted out to their fellow countrymen in the plant for which Dr. Wurster was responsible. The result of the inquiry was that the French authorities were confirmed in their faith in Dr. Wurster. When a Frenchman who was especially well qualified on account of the position he held to make such a statement said to me when he was told that I had undertaken to defend Dr. Wurster, "My master, you are defending the good cause", he put into words what everybody was thinking.

Can it be that all these Americans, Frenchmen and Germans who were in immediate contact with him, are all wrong, and that the Prosecution is right who do not know him personally at all? Can it be that all these people some of whom knew him during the most trying days of all, in which a man was put to the test, were -- monstrous thought -- deceived by him, and that only the Prosecution who know nothing about him at all, are endowed with the acumen required to see him as he really is? One is reminded of the sentence attributed to Abraham Lincoln, "You can feel some of the people all of the time, and all of the people some of the time, but you cannot feel all of the people all of the time". In reality, nobody has been deceived with regard to Dr. Wurster, with the sole exception of the Prosecution, who have succeeded in deceiving themselves.

It is therefore no coincidence that I who sacrificed my position and my capital in the cause of the fight against National Socialism for

Peace and Liberty, and who spent 14 years in exile, should undertake the defence of this man. I could undertake it safely in accordance with the wishes of those who were opponents of Nazism. I felt an inward urge to undertake it when I had become convinced in the course of long interviews with Dr. Wurstor that he was innocent.

When I ran into one of my friends, a fellow lawyer, whom I had met in exile outside this court house the other day, carrying under my arm a few dominant books he raised his voice in surprise and said: "What, you -- defending war criminals?" to which I confidently replied: "No, I am defending Dr. Wurstor."

Thus I shall sincerely seek the truth in the course of my presentation of the evidence and, finding it, shall follow it whatever the cost, knowing that it is the truth which makes men free. I am confident, your Honours, that Truth will make my client free and that justice will unlock the doors of his cell and will restore him to life and to work, to all these countless thousands of people, who are waiting for him: to that large community of working men who wish to build with him, a better world.

DR. SEIDL: Dr. Seidl for the defendant Dr. Duerrfeld.

Mr. President, my opening statement for the defendant Duerrfeld will take a little longer than the average of the other statements, but it shall not constitute a prolongation of the session because only two more opening statements are to be delivered which are comparatively short.

Mr. President, Your Honours,

In Count I the defendant Dr. Walter Duerrfeld is accused of having participated with diverse other persons during a number of years prior to 8 May 1945 acting through the instrumentality of Farbon and otherwise in the planning, preparation, initiation and waging of wars of aggression and invasions of other countries. The Prosecution have not however been able to submit a single document which would justify the assumption that the defendant

Duerrfeld had in fact participated in the planning or the execution of the actions which form the subject of this Count of the Indictment. Nor did he at any time occupy a position in Farben, or in the financial or economic hierarchy of Germany which might have suggested to him the possibility of influencing political or economic issues decisively in that respect. It must be noted especially that he was not a member of the Vorstand of the I.G. Farbenindustrie, of the technical committee (TEA) or of any other similar institution of the firm. When presenting evidence, or summing up evidence from the legal point of view, the Defense will therefore be in a position to confine itself to stating a few fundamental points in connection with Count I.

This is particularly true in respect to the legal consequences of the German-Soviet Secret Treaty of 23 August 1939. Defense Counsel of Gattineau in the course of his opening speech has made application that considering the contents of that Secret Treaty the London Agreement of 8 August 1945 including the Charter of the IMT and the Control Council Law No. 10 should be regarded invalid. Already in the course of the proceedings before the IMT I raised the same objections as Defense Counsel of Rudolf Hess, and I join the above application. In the course of our submission of evidence the text of that Treaty and other documents will be submitted to give a basis for our objections.

The same applies to Count II of the Indictment in which the defendant Duerrfeld is accused of having committed war crimes and crimes against humanity together with the other defendants during the period from 12 March 1938 to 8 May 1945 in that they participated in the plunder of public and private property, exploitation, spoliation, and other offences against property in countries and territories which were occupied by German troops during the war. No indication can be found in any of the documents submitted by the Prosecution that the defendant Duerrfeld was in any way involved in the actions which form the subject of of this Count of the Indictment.

We are therefore in a position to say at this point that neither Count I nor Count II of the Indictment against the defendant Duerrfeld has been proven conclusively, so that the defendant Duerrfeld must be pronounced 'not guilty' to that extent, without considering the evidence submitted by the Defence or the legal evaluation thereof.

In Count III of the Indictment the defendant Duerrfeld is accused of having committed together with the other defendants during the period from 1 September 1939 to 8 May 1945 war crimes and crimes against humanity as defined in Article II of Control Council Law No. 10, in that he participated in the enslavement and deportation to slave labor of members of the civilian population of the occupied countries and in the enslavement of concentration camp inmates.

In accordance with the scope of the Prosecution's case in chief in connection with Count of the Indictment the actions of the defendant Duerrfeld need only be examined insofar as his participation in the construction of the I.G.'s Auschwitz plant is concerned. In view of the fact that he was not a member of the Vorstand or of the Technical Committee and did not therefore have any influence on the question of the employment of foreign labor and of prisoners in general, there is no need to put forward a legal evaluation of the labor problems of Farben in general and of certain other plants in connection with the defence of the accused and with the assessment of his guilt before the law.

As the evidence submitted by the Prosecution has already shown, the construction of a fourth Buna plant in Upper Silesia was ordered by the highest planning authorities of the Reich at a time when it had become apparent that a speedy termination of hostilities could no longer be confidently expected and that the war was in fact a fight for the vital foundations of the entire nation. In this connection I should like to draw your attention particularly to the letter written by General von Hanneken

of the Reich Ministry for Economic Affairs to the defendant Dr. Ter Meer dated 8 November 1940 which has been submitted by the Prosecution as exhibit 1408 (Document NI-11781). The defendant Duerrfeld took no part in the selection of a site for the Fourth Buna plant, the construction of which had definitely been decided upon on 2 November 1940. But the evidence submitted by the Prosecution, and especially the reports of the defendant Dr. Ambros, have shown how completely inapplicable is the statement made in the Indictment that the fact that there was a concentration camp in the vicinity of Auschwitz had been a decisive factor in the choice of a site for the new plant. In this connection I should like to draw the attention of the court to the contents of Exhibits 1412 (Document NI-11785) and 1414 (Document NI-11113). These documents, as well as several other documents, prove conclusively that the concentration camp near Auschwitz, which, by the way, was still very small at that time, was not an important factor in the choice of the projected plant, but that the Auschwitz area was chosen as a site for the new plant solely because all the other conditions for the construction and the operation of a plant of such dimensions were completely satisfied there: good traffic conditions, a large plain, supplies of coal, limestone, and water.

As far as the employment of prisoners from the neighboring concentration camp in the construction of the new plant is concerned, it too had been ordered by the highest planning authorities of the Reich at a time when the defendant Duerrfeld had no knowledge of the new projected Buna plant. I should like in this connection to draw your attention to the letter written by the Commissioner for the Four Years' Plan to the Reichsfuehrer SS Himmler on 18 February 1941, in which under 3) Goering himself gives orders "for the provision by the neighboring concentration camp for the construction of the Buna plant of the largest possible number of skilled and unskilled building workers." The Prosecution have submitted this letter, copies of which were sent to Dr. Syrup, the Secretary

of State responsible for problems of labor allocation, to the plenipotentiary general for special problems of the chemical industry, and to various other offices, as exhibit 1417 (Document NI-1240), to which I should like to refer you for details.

It was not before the beginning of March 1941 that the defendant Duerrfeld was asked by the defendant Dr. Buchta to assist in the construction of this new large I.G. plant, as it had been decided that a plant for the production of high grade synthetic products (the so-called "Leuna Section") should be erected as part of the whole plant side by side with the Buna plant.

In this connection I should like to refer you to the affidavit made by the defendant Duerrfeld on 21 April 1947, which has been submitted by the Prosecution as exhibit 238 (Document NI-8006). At that time Duerrfeld was Oberingenieur (Chief Engineer) at the Leuna works and head of the high pressure department. Since 1939 he had been employed in a supervisory capacity in the construction of the new I.G. hydrogenation plant at Fosalitz.

Of the plans for the whole of the Auschwitz plant, which required the investment of no less than RM 560 millions, the defendant Duerrfeld was to deal with general technical problems relating to power - and water supplied and with traffic regulation, apart from his work in connection with the "Leuna plant". Plans for the whole of the giant plant were drawn up simultaneously at Ludwigshafen and at Leuna, as Sparte I as well as Sparte II took part in the construction of the plant. In this connection I should like to draw your attention to the numerous minutes of building conferences at Ludwigshafen and Leuna submitted as evidence by the Prosecution. Until the autumn of 1942 the defendant Duerrfeld directed construction and installation work with which he had been entrusted from Leuna. He did not move his office and his technical staff to Auschwitz until October 1942, when he took over the management of the site as cons-

truction and installation engineer upon the commencement of installation work proper. He usually received his orders from the construction conferences mentioned above, at which the Vorstand was also represented. Together with the two chemists of the Buna and Synthetics Groups he represented the technical management of the plant. On 19 April 1944 he was appointed director together with those chemists, Dr. Eisfeld, and Dr. Braus. Being an engineer, Dr. Duerrfeld was of course in charge on the spot while construction and installation work was in progress; as the plant started production, he was to hand over to a chemist as Betriebsfuehrer.

In the main, four groups of workers were employed in the construction of the I.G.'s Auschwitz plant: German workers, voluntary labor from abroad, British prisoners of war and inmates of the Auschwitz concentration camp. When the plant was evacuated in January 1945 in the face of the approaching Soviet armies, about 30,000 workers were employed there. There were amongst them about 7,000 prisoners, as only a certain percentage of the total complement of Camp IV were employed in the plant at any one time.

In the years 1941 and 1942 almost all, and in 1942 no fewer than two-thirds of the prisoners were employed by the construction and installation firms who had been given the contracts, and received their instructions from them. The part played by the building management of the armaments ministry (Rue-Bauleitung) which was superior to the Farben plant management will be examined in detail when the evidence is submitted.

As far as the evidence submitted by the defense is concerned, its tendency and contents are determined largely by the evidence submitted by the Prosecution but, the Prosecution's case in chief having been presented, the following statements can be made at this point:

A number of the assertions made in the Indictment have been invalidated by the documents submitted by the Prosecution, and by their witnesses.

This applies particularly to the figures on the turnover of workers given in the Indictment, to medical treatment of prisoners and similar problems. I should like to refer in this connection to the contents of the sick list of Camp IV for the period from 7 July 1943 to 19 June 1944 submitted by the Prosecution (Exhibit 1493, Document NI-10186). During this period no fewer than 15,707 prisoners were registered for treatment as inpatients in the hospital building of Camp IV. The entries in this list easily dispose of the assertions contained in the Indictment and the statements made by various witnesses for the Prosecution.

It can further be claimed that the evidence submitted so far has shown that the competent administrative offices of the Reichfuhrung-SS were solely responsible for the administration of Camp IV (Monowitz), where the prisoners were accommodated with effect from 27 October 1942.

In accordance with instructions received, Farben merely supplied the huts which served as billets including furniture and fittings, the camp differing in no particular as far as billets and furniture were concerned - apart from security measures - from the camps which Farben had constructed for German workers and for voluntary labor from abroad. The reason for this is that what was later known as Camp IV had not, to start with, been intended as accommodation for concentration camp inmates at all, but as billets for voluntary workers. That was the reason why, to mention one example, Camp IV had an independent central heating system like the other camps.

Apart from that, Camp IV was one of the 40 to 50 SS labor camps which were scattered over the whole of Upper Silesia and which were subordinated administratively and as far as guards and medical care were concerned to the main camp at Auschwitz. The Commandant of Camp IV had to obey the orders and instructions issued by the Commandant of Auschwitz. The latter in turn received his orders from the Inspector of Concentration Camps at Oranienburg and from the head of the SS Economic Adminis-

tration Main Office. As far as the execution of measures issued by the police or state police was concerned, orders and instructions were issued direct by the relevant offices of the Reich Security Main Office, i.e. by the Reichskriminalpolizei (Office V of RSHA), and by the Gestapo Office (Office IV of RSHA). Not the slightest opportunity was given to the management of the I.G.'s Auschwitz plant of interfering with the administration of Camp IV or with the treatment of the prisoners in that camp. The plant management was forced to limit itself to remedying abuses which had become known through complaints or suggestions.

It is of course impossible in the scope of this brief opening statement to deal in detail with the evidence submitted by the Prosecution. One thing the defense is however in the position to state at this point, and the evidence submitted by us will prove it conclusively; that the account of working conditions in the I.G.'s Auschwitz camp as given by the witnesses in their affidavits, does not correspond with the facts, and that it is based on an improper and illicit generalization and exaggeration of isolated incidents which may actually have happened on one or the other of the building sites in the course of the years.

The Defense will prove conclusively by means of documentary evidence that the plant management of the I.G. at Auschwitz succeeded, in spite of gigantic difficulties owing to war time conditions, in building up this huge plant within a comparatively short period of time, and that such construction work was accomplished in working conditions which were very much in keeping with the social principles which every German employer has for decades past observed as a matter of course. This is true especially of the defendant Duerrfeld, who considered social welfare work for all the workers entrusted to his care as part of his mission in life no less than the fulfilment of his technical and administrative tasks.

The evidence will show further that the works management at Auschwitz did everything in its power to make working conditions for the prisoners,

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too, as satisfactory as possible. This was done by the use, wherever possible, of machinery and other technical apparatus. A network of 200 kilometers of ordinary and narrow gauge railway lines covered the factory area; almost 100 engines coped with traffic and transportation. A transportation system of trailer trucks supplemented railway traffic on the factory roads which were 32 meters wide; work on the building site was simplified and mechanized by a huge number of cranes, dredgers, pulleys, conveyor belts and other tackle.

Then again the works management tried at a very early date to employ the prisoners in accordance with their professional qualifications. Farben persisted in training as large a number of prisoners as possible, by means of course specially instituted for the purpose, to be fitters, mechanics, welders, bricklayers, etc., irrespective of costs. On practically all building sites and in practically all installation work the prisoners worked together with German and foreign workers, which is, in itself, sufficient reason for describing work at high pressure as completely out of the question. Wherever possible, the works management and the construction and installation firms bore in mind that full working efficiency could not be expected of the prisoners. The minutes of the construction conferences submitted by the Prosecution do, by the way, show that very clearly. Estimates and calculations of the output requirements of prisoners were therefore based on an output equivalent of 5-70% compared with the output of a free worker.

THE PRESIDENT: Counsel, would you mind having your presentation interrupted by our recess?

DR. SEIDL (Counsel for Defendant Duerrfeld): I would like to read only one more sentence, Mr. President.

THE PRESIDENT: Very well.

DR. SEIDL: I should like to mention in passing that a large number of prisoners were employed as draftsmen, accountants in the Finance Office (Lohnbuero), and in similar occupations.

THE PRESIDENT: The Tribunal will rise for its afternoon recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. SEIDL (counsel for the defendant Walter Duerrfeld:)

The attempt is made in the indictment to create the impression that the fact that the prisoners were billeted in Camp IV in the immediate vicinity of the plant, would seem to argue a reprehensible attitude on the part of the works management of the I.G. Farben. In actual fact, the living and working conditions of the prisoners improved not inconsiderably on that account. Not only was the laborious transportation abolished between the Auschwitz Stammlager and the factory some 8 km away, but the prisoners were removed in this way from the considerably less favorable general conditions prevailing in the large Auschwitz Stammlager, main camp. Last but not least it was important in view of the fact that the large Auschwitz Konzentration-lager was continually being afflicted with severe typhus epidemics, and at no time was the fear of epidemics successfully and finally removed. By quartering the prisoners in a labor camp removed from the main camp, the Works Management of I.G. Farben in Auschwitz was besides in a position to improve the subsistence of the prisoners in that the purchasing department took over the delivery of foodstuffs according to the directives and subsistence rules, including heavy workers' allowances, laid down by the Reich Ministry of Food. The preparation and distribution of food was in any case once more the sole responsibility of the Camp Management, upon whom the Plant Management could exert no influence. The Buna soup repeatedly mentioned in the evidence was served to the prisoners in the I.G. Farben Plant as an extra addition.

After protracted negotiations with the Camp Management, the Plant Management also gradually succeeded in having the SS guard units removed from the actual plant grounds. From the beginning of 1943 onwards they were posted outside the plant enclosure.

The evidence will further prove unequivocally that on the ap-

pearance of the first abuses the Plant Management issued a strong decree prohibiting the mal-treatment of prisoners. Last but not least, the defendant Dr. Duerrfeld referred to the strict observance of this prohibition at all of the larger meetings, and to the representations of the 250 odd construction and assembly firms. Whenever a case of non observance of this prohibition became known, the Plant Management called the offenders to account and if necessary lodged a complaint with the Commandant of the Camp.

This introductory explanation can naturally not be expected to give a detailed survey of the evidence brought forth by the defense. In their opening statement the prosecution also confined themselves without reference to definite evidence, to giving an account of working conditions in the plant, in so far as this seemed necessary to prove assertions made in the indictment. The attention of the Court must however at this point be drawn to a fact which may not be passed over in evaluating the total evidence; namely that the defense finds itself obviously short of evidence, in view of the special circumstances brought about by the collapse of Germany, and because of the varied origin of the workers in the Auschwitz Plant. In addition, the unions of former concentration camp prisoners which have been formed in Germany have forbidden their members, under threat of expulsion and loss of privileges, to place at the disposal of the Defense, any evidence and in particular statements upon oath. We shall be submitting documentary evidence on this in due course.

On the other hand, many foreign workers and former prisoners of Camp VI, who were employed in the Auschwitz I.G. Farben Plant, are living today in their own countries under political conditions which make it impossible for them to give of their own free will, by means of affidavits, a more or less truthful account of the actual working conditions in this I.G. Farben Plant. It cannot be expected of the Defense that they should endanger the freedom of these people by

applying to this Court to have them called as witnesses. In these circumstances, all the more weight must be attached to the observations of the workers and sectional chiefs of Farben and of the numerous construction and assembly firms, and above all to the statements of these prisoners, who in spite of the present prevailing conditions, have had the courage to place themselves at the disposal of the Defense, and give an account of the working conditions in the plant as they really were. The presentation of this evidence will show the Court that the picture conjured up by the Prosecution is a caricature and far removed from reality. How also could it be explained for example another, makes in his affidavit, which will be presented by the defense with many others of a similar nature, the following statements:

"I am a Jew. My father lost his life in the Dachau Concentration Camp. My mother and sister were gassed in Auschwitz-Birkenau. I myself was imprisoned in Italy with my father and deported to Germany, when we were trying to save ourselves from the clutches of the Gestapo. . . . I skip a few sentences and I continue: "As far as I know, the SS were without exception responsible for the conditions in the Buna camp and not the I.G., as control and supervision in the Buna camp were the duty solely of the SS. The I.G. Farben had no influence on the Camp Management and the I. G. Farben people did not even have the right to enter the camp without some formality...

After giving his opinion on the assertion of the Prosecution that there were torture chambers in Camp IV and that youthful prisoners were also to be found there, the witness continues in these words:

"Nor is it true that prisoners were ill-treated by the I.G. Farben or its organs for insufficient output. It happened occasionally it is true that sections of the SS ill-treated prisoners through Kapos, but in so far as this was known to the I.G. Farben Plant Management, they took steps against it immediately.

"I did not have any experience of prisoners being punished

for inadequate work performance. The prisoners were mainly punished when they communicated with the civilians in the plant in defiance of the SS decrees forbidding this"

After a detailed account of conditions relating to working hours in the plant, food, quarters, clothing and medical attention, this former prisoner - who can certainly have had no interest in giving a too favorable account of conditions after his own bad experiences - - concludes his affidavit with the following words:

"It is true that prisoners in Camp IV who were unable to work were often shipped away to Birkenau or Auschwitz I. It is possible that a few of them were killed there; I do remember however that some of my co-prisoners who were taken away from the Buna camp as incapable of work, I later met in a healthy state in the main camp, so that I have to assume that after being taken from the Buna camp they were cured in the main camp. There can be hardly any question of the 300% turnover of prisoners in Camp IV. Perhaps this conception arose from the fact that in the first years the number of camp inmates fluctuated because transfers took place between individual camps. For example in March 1943 some Blocks of about 2,000 prisoners with the Block leaders (I remember the names Hermann Dianski and Van Folsen) were transferred in a body to another camp, but I am not aware of the reasons for this transfer.

"Summing up, I would like to state explicitly, for the sake of justice, that the prisoners working with I.G. Farben were much better off as regards quarters, food, clothing etc. than other Concentration Camp prisoners. I attribute that to the efforts of the I.G. Farben Management. It is accordingly not true either that up to 100 prisoners died at their work daily. I remember, to be sure, some isolated cases where a prisoner died at his work. But it had nothing to do with the output demands made by I.G. Farben, nor with treatment received from I.G. Farben. "Finally I should like to stress the fact that compared

with Birkenau, the Buna Camp was a paradise. During all the time I spent in concentration camps, I have never felt so secure from death as I did in the Buna camp. I can therefore only explain the statements about which I have been informed, which were made in the indictment about the Auschwitz Farben Plant, and the labor camp situated there, by saying that there must have been some confusion with the Birkenau Camp"

Another former prisoner of Camp IV, also a Jew, who spent a full 3 years in this camp, expresses himself in a similar fashion. After previously having been in the Buchenwald, Gross-Rosen, Dachau and Auschwitz I concentration camps, he came on 27 October 1942 with the first prisoners to Camp IV in Monowitz, where he stayed until the camp was cleared on 18 January 1945. He worked daily. After giving a detailed account of the conditions in respect to quarters, food, and medical attention in Camp IV, the witness makes the following statements with regard to the handling of working conditions in the plant:

Q. The labor details were at any given time subordinate to the construction and assembly firms of I.G. Farben, and had nothing to do directly with the I.G. Farben Management. At first guard duty was carried out by SS people in the place where we were working, but this was later discontinued, and the prisoners could therefore move about freely inside the I.G. Farben Plant. Neither the I.G. Farben nor the firms carrying out their orders, ever possessed any disciplinary or punitive powers, nor did they exercise any. I know that the I.G. had strictly forbidden their staff members to ill-treat the prisoners in any way.

I even know of two cases where the assembly workers of the MAN were reported to the political management of the camp by the I.F. Farben for mistreatment of prisoners and they were severely reprimanded. The speed of the work on the building site was adjusted according to the work and was in proportion to the strength of the prisoners, without it being possible to describe it as murderous. In the I.G. Farben Works in general, no one ever worked himself to death, but spared himself wherever he could....."

After describing the bonus system established by the works management of the I.G. Farben commenting on the alterations in the working party of Camp IV, this witness comes to the following definitive conclusion:

"It is false to assert that numbers of prisoners daily died of exhaustion at the places of work. It is true that deaths occurred at the places of work, the cause of which was in no case to be attributed to the work performed.

To sum up, I can say that prisoners who worked for the I.G. Farben were better off in contrast with other concentration camps in Germany, for they were well housed and could move about in the works like free workmen. This gave them the opportunity to come into touch with the free workers and, by this connection, psychologically and materially to relieve their lot. It was certainly not in the interests of the Directorate of the I.G. Farben to increase the hardships of the prisoners. I know of no case where the Directorate took any action to prevent their mixing with the free workers. This would even have been practically impossible, as we as prisoners worked side by side with the free workers. Through this treatment, we gained the inner peace and certainty, enabling us to hope without anxiety that we should survive the term of our imprisonment.

The cruelties charged against the Directorate of the I.G. Farben the Indictment, and supposed to have taken place in Monowitz can, according to my experiences during my three-year period of imprisonment in Monowitz, be described as completely unfounded."

As third and last example, certain statements should be mentioned

in the sworn declaration of a former prisoner, who arrived in Camp IV, after having already been a considerable time in the concentration camps Mauthausen and Gusen and various other camps. After a detailed description of the working conditions in the Auschwitz Works of the I.G. Farben he comes to the following conclusion:

".....During the years of my stay in Monowitz, I gained the conviction that the I.G. Farbenindustrie did not regard the prisoner allocation as anything desirable, but considered it as an unavoidable evil and a heavy burden; also that, within the limits to which they were restricted, they constantly tried in every way to improve the living conditions of the prisoners and to keep these in a humane and decent manner. I give it as my conclusive conviction that thousands of prisoners- and Jews above all - owe their lives to the better housing and maintenance conditions in Monowitz, compared to other working camps, and to the much better working conditions in the I.G. Works...."

The contradiction between the statements of these witnesses and the further evidence put forward by the Defense on the one hand and the statements of various witnesses and the affidavits of the Prosecution on the other hand is obvious and cannot be overlooked. The Prosecution will not be surprised by it-they have had opportunities through the testimony of many prisoners and a large number of foremen and masters of the I.G. Farben and the numerous building and assembly firms, to form a fairly accurate picture of the real conditions in the Auschwitz works of the I.G. Farben. The evaluation of the results of the entire evidence presented will furnish an opportunity to go into these contradictions in the statements of the witnesses in detail and it will then be seen that the Defence witnesses came much closer to the truth, because they did not allow themselves to be led in their statements by human feelings, however understandable, by political intentions or by other personal considerations.

The same applies to the attempt of the Prosecution by all means a connection between the regulations of the works management of the I.G.

Farben and the working conditions in these works on the one hand and the extermination measures against the Jews in the Birkenau concentration camp on the other hand. There has never at any time been such a connection and not the slightest proof has been submitted that the works management of the I.G. Farben in Auschwitz issued any orders or regulations which could in this connection be counted against them as crimes.

As far as the witnesses of the Prosecution have made any statements on this question, they have consisted exclusively of suppositions and conclusions. Not a single witness was able to state any facts which would even distantly justify the assumption of illegal and guilty behaviour on the part of any member of the works management. The evidence submitted by the Defense will show, on the contrary, that - to name one example only - the figures given by the Administration of Camp IV to the works management concerning the working staff of the camp were such that no doubts could have arisen on the part of the works management. Such doubts would be the more unlikely to arise as these figures were not associated with arrivals and departures, but merely showed the actual numbers of camp inmates at any given time. This figure was, however, constantly increasing on account of the ever more numerous allocation of prisoners to the building site and on account of the enlargement of the camp. Whatever judgment, however, the Court may reach after the presentation of the evidence and whatever conclusions are to be drawn from it, one fact allows us to look forward with confidence to the result of this trial and its later evaluation, namely, not only that the powerful foundations of these giant works still exist in Auschwitz today, which were built under German direction by technicians and workers from nearly all the countries of Europe, together with German workers, under the most difficult conditions imposed by the war, but that in nearly all the countries of Europe, including Germany, there are still living today tens of thousands of former members of the works staff, who for many years will bear witness as to the real living and working conditions in the Auschwitz Works of the I.G. Farben.

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ER. HOFFMANN, COUNSWL FOR THE DEFENDANT VON DER HEYDE:

Your Honors!

My comparatively frequent appearances in this courtroom for the defendant Erich von der HEYDE were not qualified by the number of documents or affidavits submitted by the prosecution against the defendant Erich von ^Uer HEYDE.

My coming motivated by the desire to assist in the search for the truth since I had come to the conclusion that neither the position nor the field of activities of the defendant von der Heyde gave him any possibility of exercising any influence on the matters which are presented here for trial.

The reasons for this conviction I found in the following:

The defendant von der Heyde was not a member of the Vorstand of the I.G. Farben.

He was not a member of the Control Committee of this Vorstand.

He was neither a plant leader (Betriebsführer) nor a department chief (Abteilungsleiter), neither Direktor nor Prokurist of the I. G. Farben.

From 1926 until the spring of 1939, i.e., for 12 years, he was a simple employee of the I.G. Farben.

Only in spring 1939 was he promoted from amongst the ranks of employees, by being made Handlungsbevollmächtigter.

This, however, did not take him out of the ranks of simple employees of the I.G. Farben he remained one of them. According to the conceptions prevailing in German industry the description "senior official" is only used for employees from the Prokurist upwards.

The defendant von der Heyde, however, never was this.

It is therefore only correct and in accordance with the actual conditions in the German industry if the position of the defendant von der Heyde as Handlungsbevollmächtigter is translated by "head clerk" and not with "power of attorney" as designated by the prosecution.

The defendant von der Heyde held this last position for a relatively short time only, for as early as 1940 he was called up for service in the armed forces where he remained until the end of the war.

Farben did not consider it necessary to have him exempted from service in the armed forces.

These are proven facts, although the Prosecution time and again speaks of a trial of 23 "leading directors of the I.G. Farben".

After the Prosecution has produced its evidence I am still convinced of the correctness of my first impression. I beg to submit to the Tribunal the reasons for my conviction.

The prosecution has submitted 1834 Documents.

The number of documents in which the name of the defendant von der Heyde appears or which he himself has drawn up, is extremely insignificant.

Even in these few documents the name of the defendant von der Heyde appears to be as remote from the actual happenings which are on trial, as his position is remote from that of most of the other defendants.

The few documents, which the Prosecution has submitted against him, are mainly records of the Commercial Committee of the I.G. which the name of the defendant von der Heyde appears.

I believe that I am entitled to state first that this Commercial Committee in itself did not represent anything criminal.

Beyond this it has been proved that the defendant von der Heyde was in any case not a member of the Commercial Committee.

The few times in which his name appears in these documents, his presence is expressly stated as being "temporary".

The witness Frank-Fable, having been questioned why the defendant von der Heyde was temporarily present at the meeting of the Commercial Committee, stated that for the sake of facilitating the work he had been requested to be present as expert on a single question.

He stated further that the presence of the defendant von der Heyde had no bearings whatsoever on the actual decisions of the Commercial Committee.

With two exceptions which I am going to deal with immediately, I could otherwise find no documents, excluding his own affidavit and those of his co-defendants, in which the defendant von der Heyde is referred to or mentioned at all.

One of the two documents making an exception is the letter written by the defendant von der Heyde to the defendant Schnitzler in March 1940.

From this document it is apparent that up to the time it was written, that is 30 March 1940, the I.G. had neither organized a Fifth Column nor an espionage system abroad.

As far as I can see it is inexplicable why the Prosecution submitted this letter at all, for it contradicts the assertion of the Prosecution that up to then the I.G. had organized a system of espionage and a Fifth Column abroad.

Defendant Schnitzler's reply of 3 April 1940 is significant.

This letter is polite, but evasive and, when all is said and done, meaningless.

Obviously nothing was done as a result of the letter from the defendant von der Heyde.

The other document is dated April 1940 and deals with approximately the same question.

The same applies also to this document as to the first letter of the defendant von der Heyde addressed to the defendant von Schnitzler.

In short it is apparent from both documents that first of all they were written during the war, secondly they represent only a preparatory action and thirdly, as can be seen from their contents, they were not written by the defendant von der Heyde of his own accord.

From the contents of both letters it is also apparent that the defendant von der Heyde was not, what is asserted by the Prosecution, namely a counter-intelligence agent (Abwehragent), at any previous time i.e. particularly before the war.

The defendant von der Heyde was a security commissioner (Abwehrbeauftragter).

Thus ran the official German designation, which at the same time, made quite clear the essence of such a man's work.

If the defendant von der Heyde had been a counter-intelligence agent, (Abwehragent), his functions would not have been merely passive, but he would have been active too; for the word "agent" is derived from the Latin "agere" and means to act.

The word Commissioner (Beauftragter), on the other hand, shows that the duties of the defendant von der Heyde were not considered to be espionage, but merely the passive functions of a security commissioner.

Work of this type is, however, not confined to Germany, but is necessary for the protection and safety of every state and can, therefore, not be considered as criminal in itself.

As to the activity of the defendant von der Heyde as an honorary collaborator in the SD, the witness for the Prosecution Otto Ohlendorf stated that the defendant von der Heyde discontinued his work as an honorary collaborator of the SD probably already in 1938, quite definitely however in 1939. In addition the witness Otto Ohlendorf stated that all the defendant von der Heyde had to do was to inform the organization of the witness, the SD, about Konzern questions which were not secret and this information could have been obtained also by a thorough study of books, although considerably more time would have been required.

According to the deposition of this witness, the work of the defendant von der Heyde had nothing to do with an informer's activity.

As to his organization, the defendant von der Heyde was a member of the Reiter-SS which he joined in 1933, and which was not declared criminal by the International Military Tribunal.

May I direct the attention of the Tribunal to the deposition of the witness Karl Wolff in this respect.

This deposition can be found in the transcript of the Commission of this Tribunal, dated 15 December 1947 (morning).

Neither do the affidavits of the defendant von der Heyde himself or of his co-defendants, as far as they mention him at all, give a different impression.

I must almost doubt that the Prosecution, which called the superiors and colleagues of the defendant von der Heyde - including some of those who were also security commissioners (Abwehrbeauftragte) - as free witnesses, indicted him according to his actual position and according to what he actually did.

Some months ago, a member of the English House of Commons asked whether, after the indictment of the directors and the members of the

Vorstand of I. G. Farben, the workers and employees were to be indicted too.

This would be quite incompatible with both the judgment of the International Military Tribunal at Nuernberg and the Control Council Law No. 10.

This would lead gradually to the establishment of a collective guilt, the idea of which the International Military Tribunal has refused to accept.

It would, in addition, also contradict the most generous interpretation of Control Council Law No. 10 such as the Prosecution itself has given on page 2 and page 7 of the German transcript of the first part of its preliminary memorandum and in the brief of 6 December 1947.

Now as before I am, therefore, of the opinion that this Tribunal will judge the individual guilt alone of the defendant von der Heyde.

I have expressed above what I have to say now on this point.

In producing my evidence I would only be able to reinforce those statements mostly by witnesses, who either were superiors or colleagues of the defendant von der Heyde or who, after his enlistment in the Army, took over his functions. All of them are at liberty.

I maintain, however, that the evidence so far furnished by the Prosecution does not offer the possibility - when considering the defendant von der Heyde's individual guilt - of finding him guilty.

The defendant von der Heyde had nothing to do with count I, II and III because his position neither offered him an opportunity to exercise any influence in this respect nor was his field of activity in any way connected therewith.

Count IV can be ignored because the defendant von der Heyde left the SD as honorary collaborator in 1938 and, for the rest belonged to the Reiter-SS which has not been declared criminal.

Count V of the indictment is not applicable to the defendant von der Heyde at all, in view of his position.

DR. HENZE: Henze for Defendant Kugler.

May it please the Tribunal, the Prosecution presents the Defense Counsel in this case with the difficult task of selecting from the voluminous Prosecution material that which refers to the individual defendants. The Prosecution did not specify its material as regards persons. There is the danger of occupying oneself with things that are far removed, which is not in the interest of expediting the proceedings. This danger is especially great in the case of my client, Dr. Hans KUGLER, since he occupies a less important place in this trial, in view of his position in the IG. I shall endeavour to avoid the introduction of less relevant matter, at all events consider, that it is not my fault if I do not succeed.

In my deliberations I must start from the fact that my client was not a member of the Vorstand of the IG. Consequently he did not have even responsibility in accordance with the law relating to joint stock companies, that a member of a Vorstand has, which - as one of my colleagues had already explained - is a responsibility of civil law but not criminal law. My client, as regards his business dealings, was responsible merely to his superiors. He was, however, dependent on the instructions of his superiors, too. I shall have to examine, and I ask Your Honors to observe in the examination, whether in the individual case my client carried out instructions issued to him or acted independently within the scope of the sphere assigned to him. In the former case, it is of significance whether my client recognized or had to recognize a possibly existing intention, which corresponds to the assertions of the Prosecution, if such existed in the case of his superiors at all. How far I shall still have to investigate these points of view particularly and in detail depends on the further course of the proceedings.

Since my client was merely a member of some of the committees of the IG and these committees were no real legal entities but were composed arbitrarily as required, from a criminal point of view, his

position can not be treated otherwise than that of every other fellow - citizen who lived in Germany. I assert that the Committees of the IG named did not have the bad character at all that the Prosecution would ascribe to them. I shall produce further detailed means of proof of this and of the significance of my client in these committees.

My client was a merchant, he sold dye-stuffs, he worked in an office where there were only commercial employees, not wage laborers. This fact will circumscribe the presentation of evidence. This view of mine is in accord with what General Taylor dealt with point by point when summing up at the close of his opening statement. He mentioned my client only in connection with Counts I and II of the indictment. This allusion will be my guide.

Apart from the allegation that my client placed himself in direct opposition to Control Council Law No. 10 by his own actions, the Prosecution further asserts that my client, along with the other defendants, participated in a joint plan or conspiracy aiming at the preparation of the war of aggression. If these men about whom the Honorable Tribunal has to decide had constituted a conspirators' guild of this kind, then it may be assumed that they knew each other well and also met frequently, to discuss their plans. The objection cannot be raised that conspirators' guilds did not do this in general because they did not wish to become known or fall into the hands of the police. This may have been the case with historical conspirators because the conspirators were turning against their own state. It could not have been so if the defendants along with their government, with whom they are supposed to have formed an alliance already before 1933, had conspired against world peace. In their own country they would have had no police to fear. Therefore they could have done it.

In addition I should like to refer to the fact that my client was 32 years of age and Prokurist of the IG when the activity of the defendant regarded as criminal by the Prosecution began. At that time there were already hundreds of Prokuristen in the IG. Further, I

should like to remark that my client knew only by name most of the gentlemen sitting here with him in the first half of the period from 1933, only with very few was he in close contact. I touch upon these view-points at the moment merely to make my assertion comprehensible, that my client certainly cannot have collaborated in the phantom of the indictment, the joint plan of these defendants. Proofs, that contrary to this opinion, the authenticity of which is revealed prima facie by the position of my client in the IG, instances exist to show that he consciously and in co-operation with others, worked at the alleged joint plan against peace, I cannot get from the document material.

The Prosecution accuses my client of having participated personally in the planning and preparation of aggressive war. In Count I of the Indictment the Prosecution has been at pains to erect a mosaic-like structure supposed to represent a causal connection between the activity of the defendants and the aggressive war begun in 1939. I shall have to remove from this mosaic the little pieces connected with the work of my client. I shall furnish proof that this action can serve more than the criminal purpose alleged by the Prosecution, namely the preparation of aggressive war. In a modern State one can naturally connect each action of a citizen with a war, since the whole economic life in a war is of significance in all its details for the conduct of the war. I mention that the fact that someone sells dye-stuffs to Roumania at the same time puts the state in a position to buy food-stuffs or leather for shoes for the armed forces with the money realised. My argumentation Your Honors, will show you that much that the Prosecution represents as an action aimed at aggressive war proves to be a harmless business incident, when looked at in a light other than that in which a suspicious interrogator looks at it.

It is essential, therefore, since many business incidents can also be very significant for a war, to pay particular attention in this count of the indictment not to the objective but to the subjective side,

the question of guilt, the question of the knowledge about certain things, the question of the knowledge of indirect connections with this war and its preparation. General Taylor himself stressed the importance of this question when he drew special attention to the guilt question. Since the Prosecution has produced nothing from which I can deduce that my client is accused of special knowledge about the preparation of an aggressive war, I see myself confronted with the necessity of investigating whether my client had a special knowledge of a general knowledge of the intention of the Reichsleitung (Reich Leadership) to prepare aggressive war.

It is known to the Honorable Tribunal that the IMF acquitted the former Minister of Economy and President of the Reich Bank Schacht of the accusation of participation in the preparation of aggressive war, because Schacht, in spite of the fact that he was Reichsminister, did not belong to the inner circle of the initiated to whom Hitler's plans were known. So I contrast the Reichsminister Schacht with the Prokurist of IG Farbenindustrie and sales manager for dye-stuffs in some of the southern European countries, Dr. Hans KUGLER. The Prosecution has not undertaken to prove that this defendant possibly knew more than Schacht that he had special information instructing him about Hitler's plans. In my argumentation, I shall examine the business incidents cited by the Prosecution in order to try to prove on my part over and beyond the unsuccessful proof of the Prosecution, that my client directed his business activity not towards an aggressive war but towards ends that were not criminal.

I now turn to the accusations brought against my client by the Prosecution under Count II of the Indictment. In view of the distribution agreed to between myself and my colleagues, I am dealing principally with the events which took place in the autumn of 1938 in the part of Czechoslovakia called the Sudetanland.

The Prosecution accuses of robbery and plunder. According to the legal concepts taught in this country in the period before the

Third Reich, robbery or plunder implies the taking away by force of property not one's own. An essential criterion is the unwillingness of the owner. According to the statement of the Prosecution, it seems doubtful whether the taking away by force of property not one's own is identical with the concept robbery and plunder in other countries. It expresses the idea that every change of ownership effected in a country where the German Armed Forces were, represented robbery. I should like to remark that the Prosecution furnished documentary proof that, in accordance with an order of Keitel, the armed forces were reduced by withdrawal from the Sudetenland on 20 October to peace-time strength. It seems immaterial to the Prosecution whether direct pressure was exercised on the former owners or whether the buying price was acceptable or not. I leave it to the Honorable Tribunal to ascertain whether the Prosecution thereby disavowed the principles of penal law which, in my opinion, are immovable, by subsuming facts of the case under the term robbery and plunder which were not characterized as such in any of the civilized countries and do not correspond to Control Council Law 10 either, in which acts of force against property are spoken of.

To judge by their presentation of evidence it seems doubtful even to the Prosecution itself whether the acts committed before 1 September 1939 are to be looked upon as war crimes in the sense of Control Council Law No. 10, because, in the case of Sudetenland, there was no state of war. It wishes therefore as a precaution to look upon these facts of the case as a crime against humanity in the hope that the Court will agree to this extent, even though for legal reasons it believes it is denying the existence of a war crime in the case of the measures in the Sudetenland. Meanwhile I am of the opinion that there is no question of a crime against humanity either, because, according to the verdict of the IMT, acts of the kind must be connected with an aggressive war or its execution. This verdict was given when Control Council Law 10 was already issued and makes it evident that the Control

Council Law 10 was intended to have no extending effect as regards the Statute. Otherwise the IMT, since Control Council Law 10 was already in existence when the verdict was pronounced, would not have adopted the well-known averse attitude to the question of the condemnation of crimes against humanity which were not in connection with a war.

Independent of that, I shall have to take into consideration the events of autumn 1938 in my presentation of evidence to prove to the Tribunal that a crime against humanity is not to be considered existent for objective and subjective reasons.

The facts at the time are vastly incontestable. It is an essential question whether the representatives of the Prager Verein acted under duress. The question is whether the compulsion was one caused by the circumstances at the time which made it appear correct to the management of the Verein to shift the bulk of their production to the south and to part with the Aussig and Falkenau works. Such a tendency was already discernible in 1937 as I shall prove. The further question is whether the contract concluded with IG entailed direct compulsion excluding freedom of action.

The term Zwang (duress) has been discussed more than once before this Tribunal already. The Honorable Tribunal considered itself obliged to establish the non-existence of duress. A fixed administration of justice in this question can therefore almost be spoken of. I believe I may take the liberty of a comparative allusion here and affirm that circumstances as described by the witness Dvoracek were in no ways such that duress on the part of IG can be spoken of. The witness Dvoracek left Prague which was not occupied by the Wehrmacht voluntarily in 1938 with his business friends at a time when - I mentioned it already - troops in the Sudetenland were in peace-time strength too. He was not compulsorily taken to the negotiations, shall we say in the morning from a Military prison. He could travel back with his friends again to the unoccupied country and did not need to have the unpleasant feeling of being obliged to return to this prison in the evening.

Therefore, he was not under pressure from threatening accompanying circumstances when he was confronted with the question of signing the contract with IG. He did not have to anticipate physical mal-treatment of any kind or any sort of reproaches. He himself has denied before this Tribunal that he had to fear disadvantages in the event of refusing to sign the contract. To designate his signature as involuntary is certainly not possible.

General Taylor in his opening statement says himself that the general principles of penal law are to be applied in these proceedings. In particular he stresses that the guilt of the defendants in these events must be proven. Therefore I ask the Honorable Tribunal to follow me briefly and permit me some detailed statements which, in my opinion prove that the defendants in general and my client in particular in the events which took place in the autumn of 1938 in Czechoslovakia were inevitably unconscious that it was a question then of criminal invasion. These opinions concern the charges contained in Count I of the Indictment, as far as this period of time is included, as well as the charges under Count II.

The Prosecution has stated that the IMT classified the annexation of the Sudetenland as a criminal act, and referred to Ordinance 7, according to Art. X - of which certain rulings of the IMT are binding. It is not my intention to criticise the judgment of the IMT. I merely take the liberty of referring to one point which is of significance for the question of joint-knowledge, in accordance with Art. X of the Control Council Law. In 1946 the IMT could pass sentence on a development which took place 8 years previously. The IMT was able to draw its conclusions from events of the year 1939 and the following. Material was at hand that permitted conclusions to be drawn as to events in 1938. It had also material at its disposal from this period not available to contemporaries. If this Honorable Tribunal chooses to decide about the guilt of persons who intervened in the events of the time in the year 1938 in one form or another than the

Tribunal will only be able to take into consideration everything known at that time. The IMT in its verdict characterized the happenings in the Sudetenland as a part of the criminal plan of Hitler who looked upon the annexation of the Sudetenland as a step on his criminal path to world domination. The Tribunal did not say with that that the events of that time were individually criminal and were branded with the criminal sign and therefore recognisable as such. How this contemporary event appeared to the person living in Germany at that time is an extremely important matter for the findings of this Court.

I may therefore allude to the fact that the Sudeten-German question was not a phantom fabricated by Hitler to realise his plans. This problem has existed ever since the Czechoslovakian State was formed. This is not my private opinion nor is it an opinion voiced in the last two years. It is the view expressed on 21 September 1938 by Lord Runciman to the English Premier, Chamberlain. Lord Runciman had been sent by the English Government to Prague to study the situation. He says:

"The problem of political, social and economic relations between the Teuton and Slav races in the area which is now called Czechoslovakia is one which has existed for many centuries with periods of acute struggle and periods of comparative peace. It is no new problem, and in its present stage there are at the same time new factors and also old factors which would have to be considered in any detailed review."

The Czechoslovakian State was founded as a consequence of the War of 1914 - 18. Its territory was formerly part of the Austro-Hungarian Monarchy. This creation has been considered an unfortunate solution, not only by Germans, but by historians and politicians of all countries; among other things, because in this state nearly half of the population were not Czechs, but were of a different nationality.

As for the Germans, the prevailing state of things was that the border regions were inhabited for the greater part by Germans. In the territory ceded in 1938 to Germany, lived, in 1918, 24,000 Czechs; in 1938, their number was 250,000. The Germans numbered about 3 millions. It is an historical fact that these Germans, in 1919 wanted to unite with the German-Austrian Republic, however, they were prevented from doing so. That this state of affairs was untenable, that the Czechs were intolerant towards the national minorities, and that they attempted to make the whole state entirely Czech, these were acknowledged as facts by those competent to know before Hitler was known, be it by name only, to most of them.

THE PRESIDENT: The sound system doesn't seem to work. We're having some difficulty in hearing.

DR. HENZE: Pardon me.

THE PRESIDENT: Go ahead.

BY DR. HENZE:

All this applied also to the Polish, Hungarian, and Slovak minorities. In connection with this, I mention the Slavic liberation movement under the leadership of Pater Hlinka, who fled to the USA and, in Pittsburg, proclaimed among the inhabitants of Slovak descent, living there, the independence of the Slovaks.

It is here and now, not my task to prove historical facts. As far as this is necessary in individual cases, I shall do so. I only beg permission to point out to this Honorable Tribunal that in the last two years after the collapse of Germany millions of Germans were expelled from the Czech State, and caused much trouble especially to the occupation

authorities of the American Zone of Germany on account of the density of population there. I believe I need not elaborate any further concerning the correctness of the acts indicated by me if I call attention to this migration of people. It shows that actually millions of Germans lived in that country. It shows that it was only natural for them to endeavor to turn towards a State in which they might speak their mother tongue, in which they might send their children to schools not suppressing, but teaching their mother tongue.

In this light, Your Honors, Germany saw this problem in the year 1938. So, every German could see it. If then in a State Treaty negotiated in common with the Great Powers England and France -- the Munich Pact -- a solution of this burning question was found, a man as, for example, my client could not suppose that the gentlemen Chamberlain and Daladier signed a treaty the justification of which they, themselves, did not acknowledge. He could not suppose that the conferences and investigations of the British envoy Lord Runciman were falsehood and deceit, and that perhaps knowingly he wished to harness himself to Hitler's war chariot to aid and abet this preparations for war and plans for world domination. The IMT claims Hitler had no intention to abide by the Munich Agreement. But Hitler, at that time, did not make it known to the public that such was his intent. Neither did the IMT say that this was known then. It is said now.

Surely, many a German may have termed the ways and means Hitler used to realize his plans regarding the Sudetens not as particularly nice. But he will not have suspected falsehood and deceit when he heard of the Munich Agreement. Neither could he presume falseness when he read in the papers that Chamberlain believed to have gained "peace for our time".

When in the course of these events the German Reich, on the strength of an International Treaty, had assumed sovereignty over the Sudeten country as part of the German Reich, a German Ministry deemed it necessary to appoint a trustee for the Sudeten-German plants of the Association for

Chemical and Metallurgical Production in Prague. In this region, great unrest was known to prevail and there was danger for the plants at Aussig and Falkenau due to their separation from the chief office at Prague. This trustee held the title of "Commissioner". To doubt the legality of this measure by the State was unreasonable for anybody living in Germany, a state which was wont to encroach greatly on economic privileges. In this report, the Defense will have additional material to supply as evidence in the course of this trial. The same goes for the fact that German nationals have offered their services for such an office, in accordance with the regulations of their country. This, my client had done.

I assert, furthermore, that my client conducted his trusteeship in a manner not counter to the interests of the proprietor. The Prosecution offered certain sets of circumstances purporting to disclose my client's incorrect conduct of business. The Prosecution's evidence respecting this has not yet been offered in full; therefore, I must decline to discuss this point further, right now.

My demonstrations purport to show that things happened here which at that time -- looked at from an historical point of view -- did not represent an unauthorized development, that they, furthermore were realized in a form not to be considered as criminal in the meaning of the indictment. Hence, I may infer that, *prima facie*, one can reproach no participant with being an accessory to a criminal set of circumstances.

It only remains for me now to join issue, in passing on the statements General Taylor made on 27 August 1947. He argued that the I.G. completely ruined the economy of the occupied regions. I make the assertion and shall prove it that in the Sudeten country, after the annexation of this territory by the German Reich, the plants of Aussig and Falkenau in no way suffered in respect to their assets and production, that no dismantling took place in this territory, that on the contrary, prosperity ensued. I do not know if this remark of General Taylor also

refers to the then not occupied Czecho-Slovakia. Regarding the latter, I am in a position to assert, and to support this assertion by evidence, that through the aid of the I.G. the Verein fuer chemische and Metallurgisch-Produktion was enabled to enlarge its sphere of action.

This, Your Honors, concludes the statements which I have to submit in the interests of my client.

DR. WAGNER: Your Honor, I have been informed that in place of my opening statement the translation was not quite complete. As I attach importance to having this part corrected, I ask your permission to be allowed to read it in English.

THE PRESIDENT: You may do so.

DR. WAGNER: "Judging from the attitude of the Prosecution in this trial, that great country which is the last hope of all men standing for the principles of freedom of the individual in the world seems to have thrown all these principles overboard. If this were true, there would be nothing left but despair. But fortunately there is still hope for all who know from long personal experiences in the United States that American Judges with their proud and great tradition are guaranteeing always and everywhere those principles of freedom of the individual."

THE PRESIDENT: Thank you, Counsel.

Now, gentlemen, this concludes the opening statements on behalf of the defendants, and the record will so show. May I on behalf of the Tribunal express to Counsel for the Defense our appreciation of the manner in which you have enabled the Tribunal to comply with its rules which limited you to two days to present your arguments.

Before we recess there are one or two matters of which I should like to speak. There are pending before the Tribunal joint and several motions for findings for the defendants as to certain issues presented by the Indictment upon the grounds of the insufficiency of the charge as a matter of law or the failure of the Prosecution to make out a prima facie case.

The Prosecution has been granted until Monday, January 5, 1948, to file its response to these matters. When the Tribunal reconvenes on January 12th, it will take up with Counsel the question of whether or not it will desire to hear oral arguments on those matters.

On 8 December 1947 the Tribunal made an order transferring to its Commissioner the supervision of the cross examination of forty-one potential witnesses whose affidavits were introduced in evidence as a part of the Prosecution's case in chief. As of today the Commissioner has made a report to the Tribunal indicating that four of these witnesses have been cross examined before him, that the cross examination of twelve witnesses has been waived by the defendants and that the matter of the disposition of twenty-five other witnesses is pending before the Commissioner. The Commissioner has also made observations as to the availability of these twenty-five witnesses and has offered suggestions as to how their cross examination may possibly be achieved. This report is now passed to the Secretary for the record and so that it may be available to Counsel. The Tribunal invites and expects the continued cooperation of the Prosecution and the Defense to the end that this phase of the trial may be promptly concluded, and we hope that the matter may progress to such a point that by the time the Tribunal does reconvene, we can look forward to the closing of this part of the case.

Before we recess, may we ask if there are any announcements or observations from the Prosecution?

MR. DuBOIS: Nothing.

THE PRESIDENT: Has the Defense anything to say?

DR. BOETTCHER: No, Your Honor.

THE PRESIDENT: Just a moment, please. Gentlemen, if there are no further observations to be made by Counsel, the Tribunal is now about to recess until nine-thirty o'clock on Monday, January 12, 1948.

The Tribunal is in recess.

(The Tribunal adjourned until 0930 hours, 12 January 1948.)

CERTIFICATE OF COMMISSIONER

I, JAMES G. MULROY, AGO #B-397399, hereby certify that I am a duly appointed, qualified and acting Commissioner, to take the testimony of witnesses under Order of Tribunal No. 6, in the case of United States of America vs Krauch et al; that pursuant to said Order, upon the dates hereinafter listed, I have supervised the taking of testimony of witnesses examined before me, and said testimony has heretofore been properly recorded, reported and filed in the Office of the Secretary General and now constitutes a part of the official transcript of proceedings in the above case; and the dates of such examinations, names of witnesses and pages of the said official transcript are as follows:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
12 December, 1947	Paul H. Haeni	4577-4595
15 December, 1947	Karl Wolff	4596-4657
15 December, 1947	Gustav Schlotterer	" "
17 December, 1947	Kurt Krugger	4692-4710
9 January, 1948	Adolf Hoehle	4946-5024
9 January, 1948	Willi Dagne	" "
9 January, 1948	Karl Amend	" "
17 January, 1948	Alfred Zaun	5470-5512
17 January, 1948	Perry Broad	" "
6 February, 1948	Josef Johan	6826-6881
7 February, 1948	Franz Rottenberg	6957-6979
26 February, 1948	Noack Treister	7696-7732
27-28 February, 1948	Rene Balandier	7925-7963
16 March, 1948	Fritz Goernert	9288-9305
16-17 March, 1948	Gerhard Ritter	9305-9358
17 March, 1948	Heinrich Van Biek	9359-9376
18 March, 1948	Dr. Charles Bendel	9584-9616b

I further certify that the aforesaid transcript pages comprise a full, true and correct report of said proceedings, testimony and evidence heard and recorded at proceedings before said Commissioner.

Dated at Nurnberg, Germany, March 31, 1948.

JAMES G. MULROY
Commissioner of Tribunal No. 6

James G. Mulroy

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Dated at Nurnberg, Germany, March 31, 1948.

JAMES G. MULROY
Commissioner of Tribunal No. 6

Official Transcript of Hearing
Before Commissioner for Military
Tribunal VI, Case VI, in the
Matter of the United States of
America, Against Karl Krauch, et
al, Defendants, Sitting at Nurn-
berg, Germany, on January 9, 1948,
Commissioner Mulroy Presiding.

THE MARSHAL: Persons in the courtroom will please
find their seats.

The Honorable, the Commissioner of Military Tribunal
VI.

The Commission Military Tribunal VI is now in session.
God save the United States of America and this Honorable Com-
mission.

There will be order in the court.

THE COMMISSIONER: Mr. Marshal, will you ascertain
if all of the defendants are present in the Courtroom?

THE MARSHAL: Sir, the defendant Mann is present in
the Courtroom.

DR. HEINTZELER: Mr. Commissioner, the defendant
Mann, who is present, asked me to say the following. The
defendant Mann is only interested in the examination of the
witness.

THE COMMISSIONER: There is something wrong with
the sound track. Will you please repeat what you have said?

DR. HEINTZELER: Dr. ~~Said~~ ^{Heintzeler} asked me to represent
the defense counsel for the defendant Mann.

THE COMMISSIONER: Counsel I intended to ask first,
before any testimony is produced, if there is a member of
the defense counsel here who represents all of the defendants?

Is Dr. Gierlichs here?

Dr. Gierlichs, I am under the impression that you
were to represent all of the defendants who were not present.

Is that correct?

DR. GIERLICH: I should like to state that all of the defendants were informed of the Commission to be held today, and so far as they wanted to be present they had the opportunity to do so.

THE COMMISSIONER: That is all I wished to get into the record, Doctor. Thank you.

DR. HEINTZELER: Deputizing for the Defense Counsel for the defendant Mann, who is not here at the moment, I should like to say this to you, Mr. Commissioner. The defendant Mann asked that he be present only for the time that the witness Amend is examined. I hear that the witness Amend shall not be examined before this afternoon. The defendant Mann therefore wants to request very urgently that he be permitted to work on his defense in the prison and be excused from the hearing this morning.

I believe you know, Mr. Commissioner, that the pressure of time is very great, because of the short recess between the Prosecution is termination and the beginning of the Defense. Therefore if it is correct that the witness Amend shall not be examined before this afternoon, I should like to ask you to have the defendant Mann excused this morning by you.

THE COMMISSIONER: I will ask the Prosecutor to state his position in regard to this. Who will be the first witness to be present?

MR. SPRECHER: It is quite true that the affiant Amend is not scheduled until this afternoon, as the Commissioner well knows, and there must have been a difficulty in connection with the administration that brought two of the defendants here this morning, who apparently were not interested. Naturally, the Prosecution has no position at this point.

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COURT VI, CASE VI COMMISSION

If the Defense does not want them here, the Marshal may remove them.

THE COMMISSIONER: The Commissioner will grant the request of counsel, and defendant Mann may be excused until the witness in whose testimony he is interested is produced.

At this time the record will show that on this day, in accordance with notice duly served upon all parties concerned, testimony of witnesses designated on order of Tribunal No. VI was resumed by the Commissioner of said Tribunal as directed thereby.

Now, Mr. Prosecutor, I understand that it is your purpose to withdraw certain affidavits which were in the first original letter and which contemplated to be heard this morning.

MR. SPRECHER: One affidavit, Mr. Commissioner. The Prosecution herewith informs the Tribunal, through the Tribunal's Commissioner, that the Prosecution is withdrawing Exhibit No. 1348, that is NI 9372, an affidavit of Rudolph Marek, which was introduced in evidence on 4 November 1947, English version page 3283.

No descriptive comments were made by the Prosecution concerning this affidavit. At the time it was offered and therefore nothing further need be stricken from the transcript itself. This affidavit it is being withdrawn because in part it is repetitious of other evidence, and partly because it opens up a new field alleging gas experiments on slave labor at Ludwigshaven and Oppau, an allegation or issue for which the Prosecution has no corroborative testimony, and which very probably would pave the way for considerable time-consuming defense rebuttal concerning an issue which is not essential to the Prosecution's case.

Therefore, in the interest of expedition, since I found out that this one paragraph on gas experiments is in this affidavit, I am withdrawing it at this time.

THE COMMISSIONER: Very well, Mr. Prosecutor. The record may show the statement in regard to this affidavit.

Is there any other matter that you wish to bring up at this time, Mr. Prosecutor, before we begin the examination of witnesses?

MR. SPRECHER: Yes, with your permission, Mr. Commissioner, now the Prosecution is bringing these three witnesses here with a great amount of reluctance, as I am sure the Commissioner has been informed over a period of weeks since he first had sessions with Dr. Mueller, the administrative legal representative of the defense, and with Mrs. Uiberall, my administrative assistant, and me.

Our object has been, in this proceeding, to pursue the truth and to attempt to lay it most clearly before this Tribunal, and of course, before the Commissioner of this Tribunal. The affidavit of Hauck and Hochle, -- that is one affidavit, -- bears the Exhibit No. 42. The affidavit of Dagne bears the Exhibit No. 45. Both were before this Tribunal and the

Defense, since the 2nd of September, 1947, more than three months ago, very shortly after those affidavits were introduced and the question of cross-examination concerning them arose. The Prosecution suggested that since those affidavits concerned participations of I.G. Farben, matters where the attitude or state of mind of the witness are very unimportant, and matters where records and the detailed and expert study of tabulations, and so on, are the very essence of the matter, therefore it would be very helpful to the Tribunal, no doubt, if any questions where the Defense might disagree with those affidavits, were ironed out by stipulation, or in joint conference, so as to avoid the complications that a record, where evidence is taken supposedly, and I underline "supposedly", - spontaneously, - there would not be so much confusion, and it would be much easier for the Tribunal to figure out the truth of the matter.

As you yourself, Mr. Commissioner, are aware, the question of the stipulations has been before you a number of times in Dr. Mueller's presence, and your tenure as Commissioner is not nearly as long as the time when this whole problem has been existing.

Now this morning Dr. Gierlichs informed Mr. Wolfsohn and me that he was somewhat surprised that these witnesses were being called. No doubt, Dr. Gierlichs will have something to say about the matter. The Prosecution's position is clear. We are willing to defer the matter of arriving at a stipulation for any reasonable amount of time. We so stated to you, Mr. Commissioner, and apparently after you understood from the representatives of both sides, what had been happening for all of these weeks and months, you decided that these witnesses should be called, and pursuant to your direction, they are produced here this morning.

DR. GIERLICH: Mr. Commissioner, I cannot at all agree to the state of affairs as described by the Prosecutor. It is true that from the very beginning we were of the opinion that we were here concerned, in the case of the affidavits of Waack and Hoehle, with an affair which for the sake of expediency should not be made the subject of a cross-examination,

but should be dealt with by stipulation.

However, we also pointed out in this connection that it would be necessary before such a stipulation were made, to look through the files and to compare them with other cases and other files in the document center in Griessheim. We should have taken all of these preparatory measures, and for the execution of this work we asked the Tribunal to give us a certain assistance, as the Prosecution well knows.

THE COMMISSIONER: May I interrupt a moment? What assistance was it you asked?

DR. GIERLICH: We asked, and had asked for a number of additional assistants, one of whom was very important for checking the statistical material, and it had been promised us, to make the completion of a list that began from 1932, and to extend it to the time of 1946.

THE COMMISSIONER: Very well, you may proceed with the rest of your statement.

DR. GIERLICH: As the Prosecution well knows, by reason of the various difficulties that did not arise with us, the request of the Defense could not be complied with until a short while before Christmas, and therefore, we had no possibility to utilize these people who had just been made available to check the evidence and to check the documents, and to get the material ready for a stipulation. What we have to say about the participation list itself has been already completed, but it has not yet been brought into its final form so that the Prosecution might be given a draft for the stipulation.

I was very astonished when I heard the day before yesterday that the witnesses were to be examined this morning, because I had understood that at least an attempt should have been made to arrive at a stipulation and that we actually had reached that agreement between ourselves and the Prosecution.

But I was not told that these things had to be taken care of by a certain deadline, and that if that were not done, the witnesses would be examined. My last statement was to the effect that I should try to get

the materials that we had ready for making a stipulation and then submit them to the Prosecution. This, my statement, was acknowledged by Mr. Dubois at the time, and I was not given any time limit or any other deadline that I was to have met.

Now, as before, I am still of the opinion that the testimony of these three witnesses, comprising lists of hundreds of participatory firms, should be made the subject of a stipulation, and since the necessary prerequisites have been met, we could attempt in a very short while, and within a term fixed by you, Mr. Commissioner, to make such a stipulation.

At least I did not know anything about a definite term in which this matter had to be dealt with, and therefore the notice that I received yesterday surprised me somewhat, since it was not in accordance with what I had previously been told.

THE COMMISSIONER: Counsel, let me ask you. Did you receive a copy of an order issued by the Tribunal No. 6 dated the 8th day of December, 1947, designating certain witnesses to be examined by the Commissioner? Do you know anything about that order?

DR. GIERLICH: I cannot tell you at the moment whether I received such a directive of the Tribunal. I do know of the fact that the Tribunal ordered the examination of the witnesses. However, from your statement made a short while ago I took it to mean that a stipulation was to be made in the cases of Hauck, Hoehle and Dagne, and this was 10 days ago, as far as I know.

THE COMMISSIONER: Well let me ask you then, Dr. Gierlich. How long would it take you to get a stipulation?

DR. GIERLICH: I assume that we would be able within a week to submit a suggestion to the Prosecution for such a stipulation.

THE COMMISSIONER: I will ask you further, Dr. Gierlich. Can you make any estimate of how long your cross-examination of these witnesses will consume?

DR. GIERLICH: As to the time which may be needed for the cross-examination of these witnesses: According to our findings 22 firms were

mentioned twice in the list of participants; other firms are missing; other firms again are in the German list which should actually be in the foreign lists, and so on. Therefore, I do not think that it is possible to arrive at any success by way of cross examination without discussing this for hours. On the other hand, however, I believe it is comparatively simple to check on these matters and to come to a certain agreement and stipulation, if we have the necessary documents. However, I ask you, since the Defense has not got all of the machinery available which was used when these lists were made originally, and since moreover they are very busy with preparing their own case, to please understand that the Defense has not yet been able to get these things into suitable shape to make a stipulation.

COMMISSION

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Court 6 - Case 6

As I have understood from the Prosecutor's statements so far, I did not understand him to say that he was in any particular hurry for these things since they are not very significant.

THE COMMISSIONER: Well, the situation here, as you know, Dr. Gierliche, is this: that next Monday it will be the task of the Defense to proceed with such pleas and arguments and the taking of testimony as they consider necessary on behalf of their respective clients, and, as a matter of course, that task will draw heavily upon their attention, probably to the exclusion of anything else. On the other hand, the Tribunal is anxious to dispose of all these what may be called "loose ends" of testimony, and that is the reason that the Tribunal has designated a commissioner to hear that evidence.

I am very reluctant to defer this examination so that the completion of the matter of the testimony of these witnesses will extend beyond this week. I had hoped to complete it today. I think, Dr. Gierliche, that possibly we should hear from the Prosecution before arriving at any conclusion on this matter.

MR. SPRECHER: May Mr. Amchan and I just have a moment?

THE COMMISSIONER: Would you like a brief recess for the purpose of consulting?

MR. SPRECHER: No; if we may just have a minute.

THE COMMISSIONER: Yes; take what time you need;... You may proceed, Mr. Sprecher.

MR. SPRECHER: Mr. Amchan, who was designated a long time ago to handle the technical aspects of these participations in connection with Dr. Gierliche, has found out in discussions with the witnesses that there are certain rather obvious corrections which should be made. Now, we have a specific suggestion. Before I make it, I only want to say that I only regret the confusion between the Prosecution and the Defense on this matter; insofar as we have not indicated that several months ago and which appears to us to be too long a time for a stipulation, we will take the fault for that, indeed, Mr. Examiner.

Now, these experts that Dr. Gierlichs speaks of, so far as I know, were principally intended to cover production figures and things of that nature. I was not aware that one of them was supposed to be an expert on statistics and financial participations. Assuming he is, I can say from what little I know about this subject that a little concentrated attention by some one like Dr. Gierlichs, who himself was a high-placed attorney in ZEFI, namely the Central Finance Administration of I.G. Farben, and who himself worked with Dr. Schmits concerning questions of participations can in a very short time work this matter out, if he puts his mind to it. Now, our proposal therefore is this: We intend to examine these witnesses on direct examination very briefly this morning in order to bring out those things which, with the passage of time and because these affiants have in the meantime been able to talk to representatives of the Defense and other persons so as to find out certain things which they now would like to alter, and have those alterations or corrections brought officially before the Tribunal through this Commissioner at this time.

Then we would like to suggest that the Commissioner set a certain time by which either Dr. Gierlichs can cross-examine these affiants before the Commissioner or before which time he can attempt to arrive at a stipulation with Mr. Anchan, as the representative of the Prosecution.

THE COMMISSIONER: Have you anything to say on that, Dr. Gierlichs?

DR. GIERLICH: I have no objections on principle if the Prosecution wants to examine the witnesses in order to correct or to complete anything that they have learned in the meantime, or in order to make corrections. However, I am of the opinion that it would have been expedient in order to keep the record straight and to facilitate work for the Tribunal that everything that needs correction in the original lists should be presented at one time, for that was the sense of the stipulation: that we should create a basis recognized by both parties for the presentation to this Tribunal.

Therefore, the possibility is given that today I shall confine

myself merely to asking a few questions of clarification and that the Defense shall then submit their own lists which depict the situation correctly, according to their opinion. If I understood the intention of the Tribunal correctly, however, it was to have only one material submitted which is recognized by both parties, especially with regard to such detailed statistical material. If I had had the time to concern myself more closely with these things, I should have the chance to give my opinion.

Mr. Sprecher is quite right: this subject matter is not strange to me. However, we do not have the time since we must present the document material for our clients by the end of this week since, as Mr. Sprecher well knows, he is not able to support the work of the Defense because of his health. Therefore, the accumulation of all the tasks to be taken care of is very unfavorable for me. I do not know what period of time Mr. Sprecher had in mind, and perhaps he can change his mind in this connection.

MR. SPEECHER: I quite appreciate that at the moment Dr. Gierlich must be under a certain amount of unusual pressure, but I can't say that I feel too great a compassion for the Defense concerning this particular matter due to the fact that there are approximately seventy attorneys and technical assistants now working on the Defense case, apart from administrative and clerical help. Now, our proposal is that we do have this further direct examination this morning. If Dr. Gierlich wishes to cross-examine these witnesses, he must cross-examine them this morning or else completely postpone their cross-examination until a date certain which is set by the Commissioner; and that in the meantime if we can arrive at an overall stipulation, then the cross-examination can be avoided entirely, and no doubt we can state in the stipulation that parts of the record this morning can be considered as stricken or unnecessary in view of the fact that in this overall stipulation we have covered all the matters.

But, Mr. Commissioner, in view of the complications and without

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talking about "why" anymore, I think we ought to go further in order to have some assurance that this matter will rapidly come to a climax.

THE COMMISSIONER: Well, gentlemen, it is my thought in connection with this matter that if we have an examination of the witness today that should be a final examination and should not leave anything to be done beyond that inquiry. Now, if you decided, after the examination was completed, that you wish that the testimony produced on that examination to be superseded by a later stipulation, of course that would be something to be entered into between counsel upon agreement. But, lacking such a stipulation as that, I want it understood that the testimony produced here this morning will be all there is to be.

Shall we produce your first witness, Mr. Prosecutor?

MR. SPEECHER: Mr. Anchan thinks that this is the best procedure, and since he is the Prosecution's designated expert and representative in this field, I bow to his wishes.

THE COMMISSIONER: Very well. Call your witness.

MR. ANCHAN: Mr. Adolf Hoehle.

(ADOLF HOEHLE, a witness, took the stand and testified as follows)

THE COMMISSIONER: Witness, you will raise your right hand, say "I" and state your name.

WITNESS: I, Adolf Hoehle...

THE COMMISSIONER: Repeat this oath after me. I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing. (The witness repeated the oath).

The witness may be seated.

Before you commence your testimony, witness, please understand that you are perfectly free to testify fully and freely in response to any questions that are asked by either counsel. However, it is the desire of the Tribunal, with which its Commissioner will endeavor to comply, that your answers shall be brief and direct, and you are asked to avoid any unnecessary comment. You can be assured that if your answer is incomplete, counsel will ask other questions.

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Before you proceed, there are two signal lights which are connected with our sound system. They are directly in front of you. It will be necessary that there be a slight pause between questions and answers so that the English communication may be translated to the Commissioner and appear upon the record.

The yellow light--when the yellow light is flashed it will indicate that you are going too rapidly and it is a request that you slow down. The red light is a stop signal and if it is flashed you will stop completely and not resume your answer until you are directed to do so. If you will remember these instructions, it will be helpful to all concerned.

The witness is now with the Prosecution. You may proceed, Mr. Amchan.

DIRECT EXAMINATION

ADOLF HOEHLE

MR. AMCHAN: Thank you. For the record we should like to state that the documents concerning which this witness will be interrogated are Exhibit 42, being NI-9503, which is the affidavit of this witness; and Exhibit 41, which is NI-9286. Both exhibits appear in Book 2.

THE COMMISSIONER: Will you give me the page and where this last exhibit appears? The page of the book, Mr. Amchan.

MR. AMCHAN: I am sorry, I haven't got the page; it is a listing of I. G. Farben's domestic participations, and I think your Honor could very conveniently get it.

THE COMMISSIONER: Thank you, Mr. Amchan. You may go ahead; I have it.

BY MR. AMCHAN:

Q Mr. Hoehle, do you have those two documents and exhibits, that I just referred to, before you?

A Yes, I have those documents in front of me.

Q. Did you discuss with me yesterday the subject matter of your affidavit and Exhibit 41?

A. Yes, I discussed it with you.

Q. Now, with respect to Exhibit 42, your affidavit, being NI-2503, do I correctly understand that on 15 October, 1945, you prepared a report indicating the direct participations of I.G. Farben with respect to domestic companies? Do I correctly understand you?

A. Yes, you understood me correctly.

Q. Now, that report that you prepared on direct participations, is not the so-called Kilgore Report, which is referred to in paragraph 3 of your affidavit, is that correct?

A. Yes that is right.

Q. Now then, did you examine yesterday in detail the Kilgore Report which is identified as NI-2518?

A. The report of the 15th of October 1945, and checked.

Q. I might state for the record that NI-9286 is a list of the domestic participations; that is Exhibit 41. And it is the same list as the so-called Kilgore Report which was identified as NI-2518. The only difference is typographical in that Exhibit 41, NI-9286, was arranged alphabetically.

Did you find, Mr. Hoehe, in comparing Exhibit 41, NI-9286, with the report that you made on October 15, 1945, with respect to direct participations, did you find any differences?

A. Yes, I found differences. I found that in the report, NI-9286, two firms were listed twice. These are the Aktiengesellschaft for nitrogen fertilizer (Stickstoffduenger), which is once listed with its business seat in Cologne and once again with its office in Knapsack.

Q. Does that appear on page 1 of Exhibit 41?

A. Yes, on page 1.

Q. Did you find any other differences between Exhibit 41 and the report you made on October 15, 1945?

A. The Anorgana G.m.b.H., I found the same to be the case. Once it is

listed with its offices in Frankfurt on the Main and then again with its office in Ludwigshafen on the Rhine. Both of these listings are on page 2 of the report, NI-9286.

In the report, NI-9286, there are also participations of Farben listed which were not booked on the participations account but on the securities account.

Is it necessary for me to list these particular firms?

Q. How many? Could you tell us just the number? How many firms were listed, you say, on the securities account rather than the participations account? Just the number

A. These are eleven firms. I want to say further that in the report 9286 the firms are in what was not then the foreign countries, and I am now thinking of those territories of Austria, Czechoslovakia. These firms are not contained in the list NI-9286. However, they are contained in the report made by myself and by Herr Hauck, of the 15th of October 1945.

Q. Now, Mr. Hoeble, you said there were eleven firms in the list, in Exhibit 41, NI-9286, which were on the investment record and not on the participation record. Will you go through your list and state for the record each of the firms which are so involved.

A. The Badisch-Pfaelzische Flugbetrieb A. G., Mannheim; the Bergbau A. G., Lothringen, Bochum; and the same firm in Gerthe.

Q. Mr. Witness, could you please indicate the page of NI-9286 that it appears on?

A. Yes. The first one, the Badisch-Pfaelzische Flugbetrieb A.G., on page 2 of the report, that is, page 3 of the document book. On page 3 of the report, that is, page 4 of the document book, the Bergbau A.G., Lothringen in Bochum; and again in Gerthe. From the same page immediately below the Bergsdorf-Geesthachter Eisenbahn A.G. Gesellschaft in Geesthacht. On page 6 of the report, that is, page 5 of the document book, the Deutsche Bank, Berlin; and the Deutsche Gold und Silberscheide-Anstalt A.G., Frankfurt on the Main. On Page 5, Deutsche Industriebank, Berlin; and the Dresdner Bank, Berlin. On page 11, that is, page 12 of the document book, Lech-Elektrizitaet-swerk, in Augsburg. On page 16, the Universum Film A.G. (Ufa), Berlin. On page 17 of the report, that is, page 18 of the book, Wuerttembergische Kattunmanufaktur A.G., in Heidenheim. These are all the firms.

Q. Mr. Witness, do I correctly understand you that with the exception of the explanations which you have given, Exhibit 41 being the Kilgore report, is the same as the report you prepared on October 15, 1945, indicating the direct participation of Farben, do I correctly understand that?

A. Yes, sir.

Q. And do I also correctly understand that when you prepared your report of 15 October 1945 you prepared that report on the basis of the official records of the company?

A. Yes, sir, that is correct.

Q. Now, then, Mr. Hochle, I also understand that you prepared for the I.G. Farben Control Office a list setting forth the indirect participation of Farben. Am I correct in that understanding?

A. Yes.

MR. ACHAM: Can you bear with me a moment, please?

COMMISSIONER: Surely, take your time.

BY MR. ACHAM:

Q. This report on indirect participation that you prepared, is that contained in this blue book entitled, "Investments of I.O. Farben Industry as of 31 December 1944?"

A. Yes, sir.

Q. Did you compare Exhibit 41 with the report in the blue book that I just referred to for the purpose of checking the indirect participations?

A. I assume that the document, Exhibit Number 41 that you just mentioned is identical with the photostat submitted to me yesterday.

COMMISSIONER: Let me interrupt for just a minute. I would like to know, Mr. Acham, what you intend to do with the so-called "blue book"?

MR. ACHAM: Just mark it for identification.

COMMISSIONER: Is it marked now for identification?

MR. ACHAM: I understand not, and I think for clarification in the record -- I think it should be marked for identification.

COMMISSIONER: I think so, and will you see that it is marked?

MR. ACHAM: Could we take care of that technical feature after the close of the session, and of the record.

COMMISSIONER: If counsel for the defense has no objection, that adjustment could be made after this session, or any time today.

MR. SPRECHER: Mr. Commissioner, I will call the Secretary General and the Archives to find out what the next exhibit in order is right now, and by the time we end this session we can clear that in the record.

COMMISSIONER: That will be satisfactory.

BY MR. ALCHAN:

Q. With respect to my last question addressed to the witness for the record, I have indicated that NI-2518 was a photostat of the Kilgore report, and that NI-9286 was the Kilgore report, rearranged alphabetically, our Exhibit 41. And comparing the contents of the blue book with the Kilgore report the witness had before him not Exhibit 41, but rather the photostat of the Kilgore report, which is NI-2518. With that explanation, I might say to the witness that in answering the question he may assume that the Kilgore report, NI-2518, which he used to make the comparison, contains the same subject matter as is contained in Exhibit 41. On that assumption, Mr. Witness, will you please proceed with your answer?

A. First of all, I should like to state that the indirect participations were not booked by the central accounting department of Farben, and that the list which is based on documents that I had available. These documents were essentially auditing reports of the various firms and other correspondence. I cannot assume any guarantee for the fact that the firms listed in this so-called blue book as indirect participations or subsidiary participations are listed completely and correctly. When comparing the photostat, Exhibit Number 41, with the blue book, I found that a number of firms were listed twice. These are the "Verwertchemie", which, on the one hand, is listed with its office in Berlin, and then again with its office in Treisdorf. The same applies to the following firms, Bayrische Stickstoffwerke, Berlin; and then again Munich; Bergbau A.G., Lothringen, Bochum and Gorthe; the Deutsche Pyrotechnische Fabriken in Bornau and in Neumarkt; the Preussische Gewerkschaft Neue Hoffnung, Peemelte, Schoenebeck; Sprengstoff Verkaufsgesellschaft Berlin and Treisdorf; the firm of Friedrich Unde Kommanditgesellschaft is listed once with a percentage of 70 percent, and then a second time with an amount of 320,000 Reichsmarks, and both is the same

thing. I found furthermore--

Q. May I interrupt for a moment--could you give me the total now of the firms relating to indirect participations where you found duplications?

A. There are seven firms.

Q. Go right ahead now with the rest of your answer.

A. In the blue book--

MR. ALCHAN: May I interject for a moment, and this would be an appropriate point to identify the blue book.

COMMISSIONER: I think so. You could give the blue book a number in the record.

MR. ALCHAN: This is Prosecution Exhibit 1835 for identification and it is entitled, on the outside, "Investments of I.G. Farben Industry Aktiengesellschaft, as of 31 December 1944", was prepared by the Finance and Accounting Section, Control Office, I.G. Farben Industry, A.G.

COMMISSIONER: For the purpose of the record, it might be well to have the witness examine and make a definite identification of the book because that is the basis of his testimony, isn't it?

MR. ALCHAN: That is correct.

COMMISSIONER: All right.

BY MR. ALCHAN:

Q. Witness, I hand you Prosecution Exhibit 1835 for identification and ask you whether that is the blue book that you are referring to in your testimony?

A. Yes, Sir, that is the blue book which is the basis of my testimony.

Q. Go right ahead with your answer.

COMMISSIONER: You are not offering this book in evidence at this time?

MR. AMCHAN: No. We are only marking it for identification, if Your Honor please.

THE WITNESS: Well, in the blue book the following subsidiary participations are not contained which are contained in the photostat Exhibit Number 41.

BY MR. AMCHAN:

Q. Before listing these, do I correctly understand you, Mr. Witness, that Exhibit 41 did not include the indirect participations which you are about to list, did I correctly understand that? Did you understand my question?

A. Please, could you repeat it?

Q. In Exhibit 41, when you compared that with the blue book, Prosecution Exhibit 1835 for identification, did you find in the blue book a listing of indirect participations which were not contained in Exhibit 41?

A. I cannot remember that I found such firms.

Q. Well, just proceed and tell us what you found after you made a comparison between Exhibit 41 and Exhibit 1835 for identification.

A. Well, in the blue book the following firms are missing, the firm of H.A. Meyer and Riemann, Chemische Werke, Berlin; Plastica Tropas G.m.b.H., in Berlin; Verkaufsgesellschaft Pyrotechnischer Fabriken G.m.b.H., Berlin; the Ruhrorter Transportgesellschaft m.b.H. in Berlin, the Blankenburger Grundstueckserwerbs and Verwertungs G.m.b.H., Blankenburg; the Steedener Kalkwerke G.m.b.H., Dohrn; Transport Gesellschaft m.b.H., Duisburg; Th. Hagemann

Kohlenhandels-gesellschaft m.b.H., I. Eisleben; the Gewerkschaft Admiral, in Hoerde; the Brikettverkauf G.m.b.H., which was under liquidation in Leipzig; the Mitteldutschen Braunkohlensyndikat, that was in 1932 a G.m.b.H. under liquidation, Halle, on the Saale river. This firm, or rather, the firm, Riebeck, and the firm, Deutsche Grube, participated in this firm. The last firm, the Gewerkschaft Bernhardsglueck, in Witten.

Q. Mr. Witness, these firms that you just listed, they appear in Exhibit 41, is that correct?

A. Yes, Sir.

Q. And you say they do not appear in the blue book, Exhibit 1835 for identification?

A. Yes, Sir.

Q. What is the total of the firms that you just read?

A. Thirteen.

Q. Are you able to state whether the 13 firms which were listed and are listed in Exhibit 41, whether they are incorrectly listed, or whether you have no knowledge whether they are or are not correctly listed as sub-participations?

A. I assume that I simply don't know about them.

Q. Now, did I understand, Mr. Witness, that when you prepared the indirect participation list set forth in the blue book, Prosecution Exhibit 1835 for identification, you used as a source various records and correspondence, is that correct?

A. Yes, Sir.

Q. Were those records and correspondence—did they come to you as part of the official records of the company?

A. Yes, Sir.

Q. Do I correctly understand you then, Mr. Witness, that with respect to Exhibit 41 containing the list of direct and indirect participations of Farben, except for the explanations,

you have just made, that Exhibit 41 is true and correct as to substance?

A. Yes, Sir.

MR. AMCHAN: I have no more questions, if Your Honor please.

COMMISSIONER: The defense may proceed.

DR. GIERLICH: The method of correction employed made it impossible for me to follow all of them, therefore, please excuse me if I perhaps repeat questions that might have already been treated in direct examination.

COMMISSIONER: May I suggest there, Dr. Gierlich, that it might be helpful to you and expedite the hearing if you were to employ a list which apparently the witness has in his possession when he does not find it necessary to use it himself.

DR. GIERLICH: I should try to ask a few general questions and to try to clarify things generally, then perhaps we can use the two lists and reach a quick result.

COMMISSIONER: Thank you, Doctor, you may proceed, please.

CROSS EXAMINATION

BY DR. GIERLICH:

Q. Herr Hoehle, the Document NI-9286 which is the basis of our conversation to-day is in your opinion a list of the direct and indirect participations of Farben?

A. Yes.

Q. I am a little in doubt about this point because in your affidavit of the 7th of August 1947 you say that the list entitled, "Exhibit Number 2, Direct and Indirect Participation of I.G. Farben Industry A.G., in Germany", on page 1156 to 1164, and so on, you say was prepared by me and Mr. Otto Hauck on the basis of a list dated 15 October 1945, regarding the direct participations of the I.G. Farben

Industry A.G. That means that this affidavit states that it does not give the origin of the lists, the way in which they prepared because it only states about the way in which the direct participations were compiled, but you said they also contained the direct participations. Would you please clarify that for us?

A. The list, NI 9286 was compared by me only yesterday with my documents, especially with my list of the 15th of October 1945, and also with the blue book, and I found that in the case of the indirect participations the deviations that I already mentioned had to be disclosed.

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Q I think you do not understand my question quite completely, Mr. Hoehle. Your affidavit of the 7th of August, 1947, gives as the source of information for the compilation merely the list about the direct participation of Ferben that you compiled and this creates the impression that that list, which, according to the prosecution's statements, is identical with it, contains the direct participations, but in reality, it is a compilation of the direct and indirect participation.

A Yes.

Q And therefore you do not give any explanation in this affidavit where you get your knowledge about the indirect participation. That would make an investigation very simple.

MR. ANCHER: If Your Honor please, I wonder if the witness understands the question and it might be helpful to put that to him.

THE COMMISSIONER: It might be well, if possible, to simplify the question, Dr. Gierliche. As I understand it myself, you are asking the witness for the source of the indirect participations, is that correct?

DR. GIERLICHES: That is the final contents of the question. In the affidavit of the 7th of August it reads, "The Exhibit No. 2, Direct and Indirect Participations, was prepared by me and Mr. Otto Hauck on the basis of a list about the direct participations." Therefore, for clarification of the picture, I should like to give Mr. Hoehle an opportunity to complete and supplement his affidavit, since he cannot possibly expect a list which contains direct and indirect participations to have that compiled on the basis of a list that was prepared only about direct participations.

MR. ANCHER: I was under the impression that on my direct examination of the witness he made corrections in his affidavit and indicated that Exhibit 2, the Kilgore Exhibit, was not prepared by him and that to that extent the affidavit was in error, and, as I recall his testimony, he stated that he prepared a report on 15 October 1945 containing a list of direct participations and that that list was the basis upon which the Kilgore Exhibit was prepared. I subsequently interrogated him on the

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basis of his report in the blue book containing indirect. Now I will concede, if it will be helpful, that the October 15, 1945 report referred to in the witness' affidavit is a list containing only direct participations and the indirect participations which the witness prepared comes from the blue book.

THE COMMISSIONER: That was the impression I got from it.

MR. AMCHAN: I understood the witness corrected his affidavit to that extent.

THE COMMISSIONER: Yes, that was my understanding too. It seems to me, Dr. Gierlichs, that you are asking a question which really had been answered in that way. That is, I understand the witness' testimony to be that the indirect participation had been taken from the blue book. However, I do not intend to circumscribe your examination in any way. I think you should proceed in the way it seems most practical.

DR. GIERLICH: Then the affidavit of August 7, 1947 is not quite correct, in as far as it gives the origin of the affidavit.

THE COMMISSIONER: Let me interrupt you, Dr. Gierlichs. I am just advised that the record film has run out so there is no record being made of these proceedings, except the shorthand record. I think under the circumstances, we will have to take a recess for ten minutes.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE COMMISSIONER: For the benefit of counsel for the prosecution and defense, I will state that I have been advised in connection with the communication system that there was only a very small part of the record that was lost. That consisted entirely of my own comments, which modesty compels me to believe to be not very essential or important so that I think we may consider that we can go ahead and the record will be complete as it stands.

You may proceed, Dr. Gierlichs.

Q. (By Dr. Gierlichs) Herr Koehle, in order to conclude this point, may I ask you, did I understand you correctly if I now establish the fact that Document NI-2518, which is identical with NI-9286, and differs only in the alphabetical order, is it, as I say, correct that it is based on your work and research only as far as the direct participations was not known to you, but that now the list which you made which was just submitted for identification, that you compared these and apart from the corrections which you stated that these agree with each other.

A. Yes, I can say that with the addition that in the blue book there is also a larger number of subparticipations contained of about 5% or even less, and because they are so negligible, they are not contained in list No. 41.

Q. List 41?

A. That is the photostat.

Q. This is not known to us, but surely it is identical with NI-9286?

A. Yes.

Q. Apart from the order?

A. Yes.

Q. Now, a further question. What do you mean by participation in making out this list of direct and indirect participations? Any property of shares of a foreign company, is that it?

A. As far as the Central Bookkeeping Department of I.G. Farben listed it as participation in the participation account. For instance, I have mentioned that in List NI-9286, there are firms contained which are not on the participations account, but on the securities account, which must be regarded as participations.

Q. What distinction do you make between possession of securities and participations?

A. That was a decision which was made by Dr. Dencker. I had no influence on that myself.

Q. What securities did you then take over into the participation list? You didn't decide on that yourself, but requested Dr. Dencker's decision, did you not?

A. Yes, Dr. Dencker said later on that firms listed on the securities account should be booked as participations.

Q. All of them or only certain firms?

A. As I do not know the extension of the bookings on the account, I cannot give you an answer to that question.

Q. A further question. In Document NI-9286, therefore, direct and indirect participations are contained independently from the extent of the participation, is that right?

A. Yes.

Q. Even participations of 1% or even less?

A. Yes, direct participations, not indirect participations.

Q. Yes, I mean direct participations.

A. Yes.

Q. According to what principle are they listed under indirect participations?

A. Indirect participations up to the end of the war were of no interest to the Central Bookkeeping Department, this question only cropped up when the American Occupation Forces asked for an exact accounting of participations. Thereupon documents were obtained and the

auditing reports were looked into and the business reports of the individual firms were looked into and also correspondence, in order to establish what and to what extent subparticipations for I.G. Farben were in existence. Control about subparticipations -- by that I mean dividends, receipt of dividends -- were not with I.G. but only with the possessing firm.

Q. I understand; but for the record, I would like to be clarified exactly what you mean by generally saying "sub-participations." Perhaps I can give you an example. I.G. had a direct participation of 25% of a company. Now this participation of 25% of the I.G., do you regard that as a sub-participation?

A. Yes, yes, that was a sub-participation, as far as the I.G. was concerned.

Q. Although it is only a participation of 25% in the parent company?

A. Yes.

Q. And, if it was only 1%?

A. Then it was still a sub-participation.

Q. But then our list cannot be correct, because, if the German Bank, which is listed here, if the I.G. participates in this with 1% and you say that in spite of this, all sub-participations of the German Bank are listed in this list, then this cannot be correct.

A. Participation as far as they are booked on the security accounts, I do want to exclude here, but for example certain sub-participation of the DAG or of the Ammoniakwerke, Herseburg, were all regarded by the IG as sub-participation.

Q. That's quite correct, and also is in agreement with the German general practice. If I owned the majority of one company, or if I controlled it through a community of interest agreement, then the participations of the controlling company can be regarded as sub-participation of the IG; but if IG only participates in a firm with a minority of under 25%, then I cannot regard the participation of this company as sub-participation of the IG.

A. But the practice with us was that it was so even if there was only a fraction of one per cent.

Q. But as this list does not say anything about the percentages of participation, without a commentary, or without distinction where direct or indirect participation are concerned, and as the percentage of participation cannot be seen, it is not fit to give you a very clear picture about the participations, and especially to clarify how extensive economic relations of IG were.

MR. SPRECHER: Mr. Examiner, I believe that the question is quite argumentative. The Prosecution would be the last to suggest that the participations of IG Farben were not exceedingly complicated, and as much evidence has shown in this case, these records and participations were often kept in a loose way for very obvious reasons, and many times kept very secretly. We will be exceedingly grateful to Dr. Gierlichs, who is indeed in a position to clarify these matters, if he so chooses, to make some very concrete counter-suggestions for a stipulation.

Meanwhile, I think I can stipulate with him that the best the Prosecution could do, using such experts as we obviously now have before this Court, still leaves some ambiguities with respect to the financial structure of I.G. Farben.

If I were not willing to stipulate that, I indeed would be a very immodest man.

DR. GIERLICH: At the moment I am not interested in such a stipulation.

THE COMMISSIONER: Dr. Gierlich, at the moment, I am somewhat impressed with the idea that at least some of your questions have been rather argumentative. I gather that these lists show the participation of certain companies in the interests and activities of another company. Now that is all they purport to do. There are no figures given as to the extent of the participation.

It seems to me if that is a subject that is relevant, it could be brought out as a matter of defense rather than cross-examination, and while I am not going to be arbitrary or foreclose you, counsel, from what ever questions you wish to ask, or evidence you wish to elicit from this witness, I will ask you again to make it as brief as possible in the interests of both of your own clients and of the Tribunal, which wishes to restrict these examinations to as brief a volume as possible.

DR. GIERLICH: I shall attempt to do this, but the material cannot be clarified just simply by having cross-examination, if there are long lists with which we have to deal. What I am particularly interested in is to have the witness give us a clarification of that question according to the principles the participation and sub-participation are entered in this list.

I think I have understood Herr Hoehle that the direct participations are listed independently from the amount of the participation, and in the case of participations which are entered in this list as sub-participation this was done again, irrespective of their amount.

A. As far as they are not sub-participations under 5%, those are not contained in this list, or at least, not as such. I have not made this list, but I presume that they were so negligible that they were not listed.

Q. I have a number of questions concerning individual companies. You say that in the document NI 9286, a number of firms have been listed twice. You have mentioned first the A.G. for Stickstoffdinger, the Anorgana, Ludwigshafen, - I shall list them alphabetically. What about the Bayrische Stickstoffwerke?

A. They are a participation of the Ammoniakwerke, Herseburg.

Q. Yes, but they are listed twice. Once as the Bayrische Stickstoffwerke, A.G. Berlin, and another time as the Bayrische Stickstoffwerke A.G. Munich. But as you know, they are identical?

A. Yes. I have mentioned this when I dealt with the distinctions which came out in connection with sub-participations. I first mentioned Verwertchemie, Berlin and Troisdorf, and then secondly Bayrische Stickstoffwerke Berlin and Munich.

Q. The Bergbau A.G. Lothringer-Gerthe you have also mentioned?

A. Yes.

Q. What about the Deutsche Industriebank?

A. That is a matter of investment which I cannot tell you about. Hauck was the proper man for this.

Q. That was listed twice here. That, of course, can easily be identified, the Deutsche Industriebank Berlin, and Deutsche Industriebank A.G. Berlin.

A. There is a difference in the names of the firm.

Q. But they are practically the same aren't they?

A. Yes, they are practically the same. I assume they are the same.

Q. If you do not know about that we can clarify this when we see Herr Hauck. Then Deutsche Pyrotechnische Fabriken, G.m.b.H. once under Bernau, and under Newmarkt Oberffal?

A. Yes, I have mentioned that too.

Q. Then the Gemeinnuetzige, Bau und Siedlungen A.G. Krefeld; that is mentioned twice; that must be crossed out once?

A. Yes.

Q. The Gemeinnuetzige Eigenheim G.m.b.H. Leverkusen, is here listed twice too. It was formerly called Gemeinnuetzige Wohnungs Bau Gesellschaft or Wohnungs Gesellschaft.

That is not mentioned here. We have here Gemeinnuetzige Eigenheim G.m.b.H. Leverkusen and under that again, Gemeinnuetzige Eigenheim G.m.b.H. Leverkusen.

A. Yes, that's the same. That was the same firm.

Q. That was the same firm, and it has to be crossed out?

A. Yes, yes.

Q. Then Gemeinnuetzige Bauverein Gartenstadt o. G.m.b.H. Halle; again twice?

A. What list have you in front of you?

Q. 9286, the only list which the Defense has.

A. The Gartenstadt and A.G. Halle.

Q. Gemeinnuetziger Bauverein Gartenstadt o.G.m.b.H., Halle?

A. Yes, that is also here twice, but the reason for that is probably there were two sub-participations of Farben in this Gartenstadt G.m.b.H., and the Deutsche Grube.

Q. It is one company, is it not?

A. Yes, it is one company.

Q. And it could be eliminated here once?

A. Yes.

Q. You have mentioned Heimstuetten Westmark, G.m.b.H. in Neustadt, also twice, and it can be crossed out once?

A. Yes.

Q. Karbidvereinigung G.m.b.H. Berlin?

A. That is only listed once here.

MR. ANCHAN: May I suggest, if Your Honor please, that this type of matter does precisely fall within the stipulation. If there is a duplication, instead of going through it in detail with this witness, it would be very appropriate for defense counsel to say, in our opinion, this is a duplication, and it will be a simple matter to ascertain the actual

facts.

THE COMMISSIONER: That same thought has been going through my mind, Dr. Gierlichs. It seems to me that you and the Prosecution could get together and they would undoubtedly be willing to make adjustments where there were duplications, so as to eliminate the duplication. I do not believe you have to establish them by direct evidence such as this, although I will not stop you if you wish to proceed.

DR. GIERLICH: It has been my opinion from the very outset that these matters could be the subject for a stipulation, and through a stipulation we would have had a very clear record. It is not my fault that I found out yesterday, without any previous notice, that there would be a cross-examination today, but I am prepared at any time even now, to interrupt the cross-examination and to submit a suggestion to the Prosecution for a stipulation.

MR. SPRECHER: I think we have gone so far, Mr. Commissioner, that we should continue with any basic matters of cross-examination, but for example in the last few questions that Dr. Gierlich asked, they are purely mechanical matters. I do not think that he or any other attorney can imagine that if they were pointed out by us, that we would not correct them by joint motion, let alone by stipulation.

If there is any basic cross-examination I would like to have it exhausted now.

THE COMMISSIONER: My idea about a stipulation was that where there are matters not in dispute, and are merely inadvertent duplications, there is something that you could settle without an exhaustive cross-examination, and as Mr. Sprecher says, limit the cross-examination at this time to matters that would not be subject to stipulation, not obvious matters in other words.

DR. GIMMELICH: In that that case I shall no longer deal with corrections in the list which, in our opinion, are necessary, but in this particular matter, I shall give the Prosecution a suggestion for a stipulation, and if we do not come to an agreement concerning this point, we shall make the clarification of this question the subject of our own case.

I only want to ask Herr Hoehle the following now:

Q Are you in a position to give us any clarifications concerning these participations, direct and indirect, and can you give us an idea of the percentage; how many of the listed companies have had 50 per cent or amounts even higher than that; how many participated between 25 and 50 per cent, and how many participations are listed therein which are under 5 per cent?

A Concerning the direct participation I can answer, at least partly. I. G. Farben on the 31st of December, 1944, participated in 67 companies, with a percentage of 90 to 100 per cent; in 51 companies with 50 to 89 per cent; in 108 companies with percentages under 50.

Q But how many of these were under 25 per cent?

A That I could not tell you at the moment, without further going into the question. I would have to establish that.

Q Can you give us a general idea about the character of these companies listed in your compilation? How many companies were there with production, of their own and how many just administrative or sale companies were there?

A To this I must reply that I just had to deal with the accounting, but that it was not my assignment to establish whether the firms concerned dealt with their own manufacture, I only had to deal with the bookkeeping part of it, — bookkeeping and accounting, of participations and control thereof, concerning the orderly break up of the dividends which they had to pay.

Q In that case we will have to solve this question in another way.

I have no further questions then.

THE COMMISSIONER: Thank you, Doctor.

Have you any re-direct?

MR. ANCHAN: No redirect.

THE COMMISSIONER: The witness may be excused.

Will you call your next witness, please.

MR. ANCHAN: Before calling on this witness, if Your Honor please, I have an inquiry the interest of expedition which I would like to put to Your Honor. The witness, Hauck's affidavit is contained in Exhibit 42, which is the same Exhibit of the witness who just testified, NI-9503. Yesterday, Mr. Hauck and Mr. Hoehle, the previous witness, worked together, making the comparisons of the records. The question I have is one of procedure, whether it would suffice to ask Mr. Hauck if he has any different testimony from that one previously given because it would appear to be duplication and accumulation, and I would suggest to your Honor that that that in the interest of expedition, that would be highly advisable.

THE COMMISSIONER: Well let me ask you, — Mr. Sprecher did you have something to say?

MR. SPEECHER: I would like to hear from Dr. Gierlichs, and see what his wishes are on that subject. I assume that there could be very little added as of this morning, but if Dr. Gierlichs is of a different opinion, we would be very glad to hear from him.

THE COMMISSIONER: I was going to consult Mr. Gierlichs, after Mr. Anchan finished. Mr. Anchan, did you intend that the next witness, Mr. Hauck, is to testify, or to assume to testify that as to all of the facts contained in his affidavit, that he will give the same testimony as the previous witness; is that what you intend?

MR. ANCHAN: That is my assumption.

THE COMMISSIONER: Has he been present?

MR. ANCHAN: Yes, he has been present in court all of the time.

THE COMMISSIONER: And he has heard all of the testimony?

MR. ANCHAN: I will hear from Dr. Gierlichs on that?

DR. GIERLICH: No objection concerning the procedure. It seems very fitting to make the examination brief.

THE COMMISSIONER: Then, Dr. Gierlichs, you would wish to cross-examine this witness also; or you do not wish any cross-examination on this next witness?

DR. GIERLICH: I am prepared not to do so.

THE COMMISSIONER: Very well, we will have the next witness.

You may proceed, Mr. Anchan.

MR. ANCHAN: Will you hold it for a moment please?

THE COMMISSIONER: Yes, just a moment please.

DR. GIERLICH: I don't know whether I have been understood correctly, as to whether I was interested in cross-examination. I said that after the first cross-examination of Herr Hehle, as these two subjects are similar, I said that I am not interested any longer in a cross-examination because I do not believe that the points which I myself am interested in clarifying, can be clarified by way of cross-examination. Therefore, I am prepared not to have a cross-examination of the witness Hauck.

THE COMMISSIONER: As I understand it, that constitutes a waiver of cross-examination of this witness?

MR. SPRECHER: Mr. Examiner, the only problem I see is this. Mr. Hauck, as I understand it, has been present this morning and is prepared to state that he could not add anything to the corrections which have been made by Mr. Hehle which are in any way substantial, and furthermore, that there somewhere is a problem indicating, on the record that some

of the corrections that Mr. Hochle has made, would also be made by Mr. Hauck. I will leave that up to Mr. Anchan.

THE COMMISSIONER: Mr. Anchan.

MR. ANCHAN: I think, if Your Honor please, with the statement in the record of Dr. Gierlichs that he waives cross-examination of this witness, we will dispense with any further examination of this witness.

If Dr. Gierlichs will make that statement that he waives cross-examination we do not need any further examination.

THE COMMISSIONER: Then the witness may be excused.

MR. ANCHAN: Does Dr. Gierlichs waive —

DR. GIERLICH: Yes.

THE COMMISSIONER: The witness may be excused.

Have you any further witnesses Mr. Prosecutor?

MR. ANCHAN: Yes. Mr. Dagne, if Your Honor please.

W I L L I D A G N E

a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

The witness will raise his right hand, say I, and state his name.

THE WITNESS: I, Willi Dagne

THE COMMISSIONER: The witness will repeat this oath after me: I swear by God, the Almighty, the Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

THE COMMISSIONER: You may be seated.

DIRECT EXAMINATION

BY THE COMMISSIONER:

Q Mr. Witness, you have been present at the examination this morning I believe; is that correct?

A Yes.

Q And you understand that you may speak freely but should not add any unnecessary comments to the questions asked?

A Yes.

Q Now you also, I imagine, understand the signal lights. The yellow light indicates that you are going too fast, and the red light indicates that you should stop, and you may now proceed, Mr. Aschan.

BY MR. ASCHAN:

Thank you. For the record, if Your Honor please, the affidavit of this witness is contained in Document NI 9540, at page 26. I understand that this is Exhibit 43, although I think Mr. Sprecher referred to it as Exhibit 45. It is NI 9540, which is the listing of foreign participations, and the affidavit, as I said, of this witness is on page 26.

THE COMMISSIONER: Of Document Book 2, is that?

MR. ASCHAN: That is correct, 26 is the page number of the document, I am sorry I have not got the page in the document book.

THE COMMISSIONER: That is exhibit No. what?

MR. ASCHAN: 43, as I understand it.

THE COMMISSIONER: That will be 22?

MR. ASCHAN: That is NI 9540, and it is page 26 of the document.

THE COMMISSIONER: I have that, 9540, I have it.

You may proceed.

MR. ASCHAN: Thank you.

* Q Mr. Dagne, do you have that document before you?

A Yes.

Q Have you recently read your affidavit?

A Yes.

Q Are there any corrections or modifications with respect to that affidavit that you desire to make now?

A Well, I would like to say that my affidavit it does not concern itself with the list which we have here. This I saw first, during the day yesterday. My statements concern the material, --

Q Would you please repeat that.

A I may point out that my affidavit does not refer to the list which is contained herein, which I saw for the first time yesterday. My affidavit refers to the book which was seized by the Americans, which says, "List of participations on the part of I.G. Farbenindustrie," and only insofar as from 1940 I had to deal with entries and supplements to that list. What was done before that date, that is, entries of my predecessor, Herr Biogrowski, and in how far these entries are correct and accurate--I cannot say.

Q Mr. Dagne, will you please look at paragraph 2 of your affidavit, and I call your attention to the reference, the book "List of Participations of I.G. Farbenindustrie, Main Office Central Committee, Frankfurt on Main, December, 1938." I hand you this book, which is marked NI-9540-A, and which I ask to mark as Prosecution Exhibit 1836 for identification; and I ask you, Mr. Dagne, will you please examine this (Exhibit) 1836, for identification, and tell me whether that is the book referred to in paragraph 2 of your affidavit?

MR. AMCHAN: If Your Honor please, if you will look at paragraph 2 of the affidavit, three lines from the bottom of that paragraph, in the original, first mimeographed copy appears this sentence: "This book which has the number NI-9483"--there has been a correction sheet. So in lieu of 9483 the identification should be 9540-A. Does that appear on your copy?

THE COMMISSIONER: I have only 9540, as Mr. Dagne's affidavit.

MR. AMCHAN: That is right. What I was calling attention to, if your Honor please, is in paragraph 2 of that affidavit, three lines from the bottom of paragraph 2.

THE COMMISSIONER: I have that, yes...9483.

MR. AMCHAN: That is right. Now, in lieu of 9483 there should be substituted 9540-A, which has now been offered for identification as Prosecution Exhibit 1836, for identification.

THE COMMISSIONER: I understand. Very well; proceed, Mr. Amchan.

BY MR. AMCHAN:

Q Now, Mr. Dagne, have you examined the book, Prosecution Exhibit 1836, for identification?

A Yes, it is the book on which I worked at the time.

Q And is that the book referred to in paragraph 2 of your affidavit?

A Yes.

Q I will call your attention, Mr. Dagne, to paragraph 3 of your affidavit, where you refer to the green folder, "Participation Supplement, Office of Central Committee, original." And before proceeding further with the question, if Your Honor please, a typographical correction.

Instead of 9483, on the first line of paragraph 3, I would ask you to please substitute 9540-A which was just marked for identification as 1836; and the last line of paragraph 3, where you have NI-9484, I would ask your Honor to please substitute 9540-B, which will be offered in a moment for identification.

Now, Mr. Dagne, I hand you this book, which is marked NI-9540-B, which we offer for identification as Prosecution Exhibit 1837, and I ask you to please look at that book and tell me whether that is the book referred to in paragraph 3 of your affidavit, the green folder?

A Yes, that is it.

THE COMMISSIONER: Mr. Amchan, let us straighten out these numbers. Have you identified 1837?

MR. AMCHAN: Yes. To make the record straight, NI-9540-B has been offered as Prosecution Exhibit, for identification, 1837.

THE COMMISSIONER: That is correct.

MR. AMCHAN: That is all the questions I have of this witness.

THE COMMISSIONER: The Defense may proceed.

CROSS-EXAMINATION
WILLI DAGNE, Resumed

BY DR. GIERLICH:

Q Mr. Dagne, as reminded by the Commissioner, I shall confine

myself in my cross-examination to some general questions which I want to clarify; and I do not want to correct just a few smaller errors of the list. I shall then make the suggestion for the stipulation to the Prosecution, and if we should not arrive at a stipulation, I shall submit our own evidence in order to clarify the question.

But now I want to ask you the following. Document NI_9540, as it has been shown, you saw for the first time yesterday. Is that right? It is not yours?

A This compilation?

Q Yes.

Q Well, that I saw for the first time yesterday.

Q Now, if you look at this document you will notice that apart from foreign participations there also are sales companies.

A Yes.

Q Documents for this compilation, as far as sales companies are concerned, are not yours, are they?

A No, if they are not participations, they are not. In this list of participations, there are also sales companies listed.

Q In which there is a capital participation of Farben, either directly or indirectly--is that right?

A Yes.

Q And these are contained in your lists. Now I have one basic question, Mr. Dagne.....

MR. AMCHAN: I am sorry to interrupt; I would like to object. The affidavit of the witness was limited to the books that he kept. The interrogation was just identifying the books as to that. He said nothing in his affidavit about the balance of the document 9540, the list. He has not been interrogated on the list. He was only called for the purpose of testifying that the books which are identified were kept by him, and the further affidavit of Mr. Wolffsohn says that 9540 is just a copy from the book.

Now, I do not think it proper to interrogate him on the list

because nothing of that character was brought out, either by his affidavit or by any direct testimony.

THE COMMISSIONER: Just a moment, please. Mr. Amchan, as I understand it, you are making a formal objection to this question on the ground that it is beyond the scope of the affidavit.

MR. AMCHAN: That is correct.

THE COMMISSIONER: Dr. Gierlichs, what have you to say to that?

DR. GIERLICH: As I understand it, document NI-9540 is covered by the affidavit, because it has the same number as the list. I don't think it is admissible to split up a document and then to say that this one part is then the subject of this cross-examination and that the other part is not.

But I would be grateful for a clarification here, whether it is the view of the Prosecution that the correctness of that compilation, document NI-9540, is beyond the knowledge of this witness, then I am perfectly willing to waive my question.

MR. AMCHAN: The affidavit, which is part of NI-9540, merely sets forth the sources upon which 9540 is based. It is entirely proper in our view for the Defense to interrogate this witness in matters within his own knowledge which he testifies and says in his affidavit as to the books he kept. My point is unless a foundation is laid as to the accuracy of the matters contained in the books which this witness kept in the course of his official duties, I don't believe it proper for him to interrogate this witness on that point.

THE COMMISSIONER: I am a little bit confused as to this situation because, it is my impression that this witness comes in here to testify as to an affidavit which he made, but it appears now that that affidavit is part of another document.

MR. AMCHAN: That is just, in our opinion, if your Honor please, a matter of mechanics. It could be made separately, in an affidavit, and referred to the document. As a matter of fact, in this document there is also the affidavit of Mr. Wolffsohn explaining further the

sources which were used to compile NI-9540, and we have had in the course of a trial a series of documents which become part of one NI number.

Now, an NI identification is nothing more than an administrative means of ready reference, and in our view I don't think that the form should obscure the substance. They are two definite and separate things: a list, NI-9540; and for convenience's sake only we have attached to the immediate document the affidavits explaining how that document was compiled. Now, it does not appear, in our view, that the mechanical and administrative matters are of sufficient substance to warrant looking behind it.

THE COMMISSIONER: There is a possibility that where a witness is called to testify as to a designated document—I say there is a possibility that this is the case—that he may be questioned as to any part of the contents of the entire document. Well, I believe that it is the intent in these hearings held before the Commissioner—I think it is the intent of the Tribunal—that the witness shall be examined only as to those things upon which he has made an affidavit. That is my impression. And so far as I have any authority to make a ruling, I say that it would be expedient at least to confine the testimony to the limits of the affidavit made by the witness.

DR. GIERLICH: Mr. Commissioner, may I say the following concerning this? I am not quite sure that I know what the subject of the examination of the witness Dagne is, because the books that the Prosecution submitted only this morning for identification, had not been known and had not been made available for the Defense; and I could not even look at them because I had not known them until just a few minutes ago. If the affidavit of the witness Dagne and the testimony does not refer to this list, then I agree to this: I shall merely confine myself to putting to him a few questions as to the content matter of his own affidavit. But then I am of the opinion that the Prosecution has not brought any proof for the correctness of their lists.

THE COMMISSIONER: Well, now Dr. Gierlichs, as I understand your position, supposing the two books that were mentioned--that is, 1836 and 1837--if they had not popped up in this direct examination, then you would have been content to restrict your examination to the affidavit executed by the witness, is that right?

DR. GIERLICH: No; excuse me, I was of a different opinion up to this moment, but of course I accept your explanation gladly. I believed that the NI number 9540 was one unit and that the witness Dagne guarantees the correctness of this compilation through his testimony. If the Prosecution now tells me that this is not to be the case, then I am willing to draw the consequences--

MR. SPRECHER: I don't think that deserves, really, an answer. We have no such intention. It is very obvious what the affidavit attempts to do. It states it in a very few sentences and that is to state that the books of I.G. Farben show certain things, and that is the testimony now before this Tribunal: that those books do show those things.

THE COMMISSIONER: Mr. Sprabhar, may I invite your attention to this? This affidavit, if there was cross-examination on it, that cross-examination should be kept within the limits of the affidavit. But in examining the witness on direct examination just now, there were other elements introduced, that is element 1836 and 1837, and Dr. Gierlichs indicates to me he never knew anything about those and hasn't had anytime to prepare cross-examination.

MR. AMCHAN: If your Honor please, I think I can clarify this. Prosecution Exhibit, marked for identification, 1836 and 1837--what I just offered was specifically referred to by title in the affidavit of the witness. When I made the typographical corrections, notice of those typographical corrections were served on the Defense at the time this document was offered in evidence, three months ago. There was no surprise at all, as I understand it. It is specifically referred to by name and identified by number. Now, all I did in the direct

examination was to reaffirm orally what he stated in the affidavit.
I don't think I want beyond that.

THE COMMISSIONER: I know, but you added 1836 and 1837, didn't you?

MR. AMCHAN: Which I marked for identification.

THE COMMISSIONER: Yes, but Dr. Gierlichs has never had a chance to examine them, he said. He can't cross-examine on something he has never seen.

MR. SPRECHER: Well, we have no objection to his seeing them, but there are a lot of other documents which this witness relied upon, I.G. Farben documents which are not in this court room, and which he has authenticated by virtue of his expert knowledge thereof. And it is also true that Dr. Gierlichs does not have a chance to cross-examine concerning all those things. I think that is the essence of things when you have an expert witness.

THE COMMISSIONER: Dr. Gierlichs, how long will it take you to conduct your examination?

DR. GIERLICH: If the list as such is not becoming the subject of cross-examination, I have only a few, very few general questions in order to have a general clarification. I think that can be done in ten minutes.

THE COMMISSIONER: Well, in view of the fact that the argument on this point is taking up almost as much time as would be used in asking the questions, I will ask you to proceed, Dr. Gierlichs.

BY DR. GIERLICH:

Q Herr Dagne, in your affidavit you say, under paragraph 2: "From 1940 on, among my other duties, I kept the list of foreign and domestic participations of I.G. Farben." Do you want to say by that that this list which you kept was the official authorized list of I.G. Farben which was the basic document for balance sheets, taxes, and other purposes?

A No, not at all.

Q Then I understand you correctly if I ask you whether you meant that you kept just one list?

A My statement refers to paragraph 1, which gives information about my activity in the Bureau of the Central Committee where I kept the list of foreign and domestic participations of I.G. Farben. It is not known to me and it was not known to me at the time that anyone kept a similar list in the I.G. of the same content matter and the same extensions as we did.

Q You do know, Mr. Dagne, that according to German law, the tax law and other legal regulation lists have to be kept, and I only want to clarify your lists and compilations were not the official and authoritative compilations.

MR. AMCHAN: Objection, if your Honor please.

THE COMMISSIONER: Don't answer (Witness). Have you an objection?

MR. AMCHAN: We object to that. He is interrogating him as to his knowledge of German law.

THE COMMISSIONER: That seems to be a reasonable objection too. However, if the witness knows it, he may testify. You might ask him if he knows.

DR. GIERLICH: Mr. Commissioner, I only pointed out this point of view in order to make my question clear. I did not want an answer on the part of the witness about any legal problems whatever, but what I want to clarify is: Did he keep one list of participations of his department or was he in charge of the official, authoritative list of firms concerning this subject, and that is what I meant to clarify.

BY DR. GIERLICH:

Q Perhaps now you can clarify and answer this question without my going through the legal points again?

A Yes. How shall I put it? If official matters were concerned, the basic material of a central bookkeeping department was used, as

Hoehle, the witness we had before, has already said.

Q Have you finished?

A No. This list which was compiled in the Bureau of the Central Committee was compiled according to altogether different points of view, points of view which I do not know. Dr. Duisberg, the former chief of our department, caused this to be done at the time, but the reasons, why and for what purpose, I do not know.

Q Was there any directive in existence to all Farben agencies who dealt with this particular problem to inform them about any changes that might crop up?

A No. According to my knowledge, there were no such directives issued to all agencies. We had an agreement, however, with a central bookkeeping department so that I could inform myself there about the basic material, and, if I remember correctly, it was so that annually we received an official list from the central bookkeeping department in which direct participations of the I.G. Farbenindustrie were contained, giving the capital stock and the participations quota. Apart from this, I cannot say exactly, but I think we received annually a list from the central finance administration concerning participations which went on the account securities. As far as I can remember, these were only small participations. Otherwise, our mail office had received the directive that all transaction reports which were received whether they were transaction reports of participating firms or sub-participating firms, or business friends such as industrial enterprises or banks, never mind what they were--they should be directed to our office. And that is what I believe was done.

THE COMMISSIONER: I think this question has been thoroughly and exhaustively answered. I wonder if you couldn't proceed with the next question.

BY DR. GIERLICH:

Q The lists which you made out, were they ever re-examined?

A Dr. Gierlich, do I understand you correctly: whether the

lists which I compiled were re-examined by somebody or other?

Q Yes, by the Central Accounting Department or other departments.

A Yes, the Central Accounting Department checked them, using the documents which we received annually.

Q What documents, what basic documents are you talking about?

A The documents, the lists, which I mentioned just before. We received this list annually from the Central Accounting Department, of I.G. Farben, giving the share capital and giving us the participating quota. Evidently, I used these lists and compared these lists and with my own statements.

THE COMMISSIONER: I think, counsel, that we have to take a recess; we might as well take it now. And we will reconvene at one-thirty.

The Commission is now in recess.

(The Commission recessed until 1330 hours, 9 January 1948.)

CERTIFICATE OF COMMISSIONER

I, JAMES G. MULROY, AGO #B-397399, hereby certify that I am a duly appointed, qualified and acting Commissioner, to take the testimony of witnesses under Order of Tribunal No. 6, in the case of United States of America vs Krauch et al; that pursuant to said Order, upon the dates hereinafter listed, I have supervised the taking of testimony of witnesses examined before me, and said testimony has heretofore been properly recorded, reported and filed in the Office of the Secretary General and now constitutes a part of the official transcript of proceedings in the above case; and the dates of such examinations, names of witnesses and pages of the said official transcript are as follows:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
12 December, 1947	Paul H. Haeri	4577-4595
15 December, 1947	Karl Wolff	4596-4657
15 December, 1947	Gustav Schlotterer	" "
17 December, 1947	Kurt Krugger	4692-4710
9 January, 1948	Adolf Hoehle	4946-5024
9 January, 1948	Willi Dagne	" "
9 January, 1948	Karl Amend	" "
17 January, 1948	Alfred Zaun	5470-5512
17 January, 1948	Perry Broad	" "
6 February, 1948	Josef Joham	6826-6881
7 February, 1948	Franz Rottenberg	6957-6979
26 February, 1948	Noack Treister	7696-7732
27-28 February, 1948	Rene Balandier	7925-7963
26 March, 1948	Fritz Goernert	9288-9305
16-17 March, 1948	Gerhard Ritter	9305-9358
17 March, 1948	Heinrich Van Beek	9359-9376
18 March, 1948	Dr. Charles Bendel	9584-9616b

I further certify that the aforesaid transcript pages comprise a full, true and correct report of said proceedings, testimony and evidence heard and recorded at proceedings before said Commissioner.

Dated at Nurnberg, Germany, March 31, 1948.

JAMES G. MULROY
Commissioner of Tribunal No. 6

AFTERNOON SESSION

(The hearing began at 1330, 9 January 1948)

THE MARSHAL: The Commission is again in session.

THE COMMISSIONER: Mr. Marshal, will you report as to any defendants present?

THE MARSHAL: Sir, the defendant Mann is present in the Courtroom.

THE COMMISSIONER: Very well.

You will proceed with your examination.

WILFRI DAGNE - resumed.

CROSS EXAMINATION - continued

BY DR. GIERLICH:

Q. Herr Dagne, one question of principle. If in the treatment of some question a contrast would have arisen between your records and the documents of the Central Accounting Department what records would have been considered as valid?

A. The documents from the Central Accounting Department would have been considered valid.

Q. Was there any guarantee given for the fact that the reports about the development in the field of Farben participations for instance, sales, acquisitions actually got to you without any lists missing?

A. It was not 100% certain. I had to rely on the fact Central Accounting gave me everything without any gap.

Q. One more thing that has, however, I believe already been largely clarified by your statement to the Commission. Your judgment about the keeping of the accounts of the Central Office before 1940. How was that done - with what amount of carefulness? Can you give me such a judgment?

A. No, I cannot.

Q. I have no further questions.

THE COMMISSIONER: Is there any re-direct?

RE-DIRECT EXAMINATION

BY MR. AMCHAN:

Q. Just two short questions,

Mr. Dagne, do I understand that your immediate superior, Dr. Hoyer, instructed you to keep these records referred to in your affidavit?

A. Dr. Hoyer? When I came back from the Army none of the important people were left, with the exception of Dr. Hoyer, there and also Herr Matt, but he was not one of the important people. I must say that our department has been divided into two subdivisions.

Q. I am afraid you didn't understand my question, Mr. Dagne. Did Dr. Hoyer who I understand was your immediate superior, did he instruct you or direct you to keep these records?

A. Yes. I had to take over the work when I came back together with other work. I also had to do work on the participations.

Q. Who was Dr. Hoyer's superior?

A. Dr. Von Schnitzler.

THE COMMISSIONER: Any further inquiries of this witness?

Q. That's all.

The witness may be excused.

MR. AMCHAN: If your Honor pleases, just one more formal matter with respect to this document NI-9540. Your Honor will note that on page 27 of the document appears an affidavit of Mr. Wolffsohn and in that affidavit he recites the documents upon which the entire listing was compiled. Now, I call your Honor's attention to paragraph 2 where he refers to NI-9540-A and NI-9540-B, each of which books have already been marked for identification as Prosecution Exhibits 1836 and 1837 respectively. Mr. Wolffsohn's affidavit then refers to document 9540 -C. I think it would be appropriate at this time to mark that book for identification and accordingly I ask that the book referred to in Mr. Wolffsohn's affidavit as document NI-9540-C be marked as Prosecution Exhibit for identification 1838 for identification. That concludes our explanation with respect to that document.

THE COMMISSIONER: Do you have another witness?

MR. SPRECHER: Mr. Commissioner, I might just say that Mr. Wolffsohn, analyst of our staff, is of course available for cross examination if the defense wants him since what he made was, in effect, merely a recertification

of this affidavit as of a person who contemporaneously was an official of I. G. Farben, he was not officially listed as an affiant. Still he made the certification in the form of an affidavit. I just wanted to point that out.

THE COMMISSIONER: Mr. Sprecher, Mr. Wolffsohn is not a witness this afternoon, is he?

MR. SPEECHER: If defense wants him he is a witness.

THE COMMISSIONER: He is not on our list for examination today.

MR. SPEECHER: No, I wanted to point out to you that it might be indicated that our list, which we say is always subject to change or modification for the defense, might be considered deficient for the reason stated.

THE COMMISSIONER: Well, I think it is up to the defense to state whether or not they wish to have Mr. Wolffsohn produced this afternoon. Will you state as to that, Dr. Gierlichs?

DR. GIERLICH: At present I cannot make a statement about it. However, I believe it will not be necessary because the requests for clarification of defense will not be directed to the fact that the alphabetical list does not coincide with the original and it is only to this question that Mr. Wolffsohn's affidavit refers to, but we want to prove that technical errors have occurred in this list and in regard to this question Mr. Wolffsohn cannot contribute anything at all so that it is not necessary, therefore, to have Mr. Wolffsohn take the stand.

THE COMMISSIONER: I take it then Mr. Wolffsohn is disposed of by this agreement between counsel. Have you another witness?

MR. SPEECHER: The other affiant called pursuant to notice for the Commissioner's hearing today is Karl Amend (K-a-r-l A-m-e-n-d). The Exhibit number is 1769, the NI number 12217, the document is found in Document Book 82 English page 112, German page 136. I call Mr. Amend.

KARL AMEND, a witness took the stand.

THE COMMISSIONER: Witness, you will arise. Raise your right hand, say "I" and state your name.

A. I, Karl Amend —

THE COMMISSIONER: Please repeat this oath after me. "I swear by

God the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing."

(The witness repeated the oath)

THE COMMISSIONER: The witness may be seated.

I will remind you, Mr. Amari, I think you have been in the court this morning have you?

A. Yes, sir.

THE COMMISSIONER: You are perfectly free to testify fully and freely in response to any question asked you by either Counsel for Prosecution or the Defense.

A. Yes.

THE COMMISSIONER: However, you should make your answers closely responsive to the question and not add any comment that is not called for by the question. You may be sure that, if your answers are not complete, counsel will ask you other questions. The lights are ranged so as to let you know whether or not you are testifying too rapidly. If you are the yellow light will flash on. When you see the red light you should stop speaking until you are told to proceed. If you bear those things in mind it will help us all. Thank you.

You may proceed, Mr. Sprecher.

DIRECT EXAMINATION

BY MR. SPRECHER:

Q. Mr. Commissioner, before asking these specific questions I wish to make clear what I think is fairly clear both from the subject matter of this affidavit and from our prior practice. This witness is not being called here as a sympathetic, or, what is legally known, as a friendly, witness. He is called here as an informed witness to very specific and limited facts which he has submitted under oath in the affidavit now before your Honor. With respect to other arrangements which touch upon the whole matter of Degesch. The Prosecution has produced other evidence and other witnesses being subject to cross examination concerning those topics. I merely point that out because I have been advised quite properly, and I make no point about this, this witness has been approached, and I say again, quite properly, by Defense Counsel and I only want to indicate that he is not a Prosecution witness in certain senses of the word but a witness of this Tribunal so far only very limited facts now before you in this affidavit. With this explanation Mr. Amend I want to ask you the following: Do you have a copy of Prosecution Exhibit 1769, NI-12217 before you, do you not?

A. No. I only have my affidavit which I gave to Mr. Kalter at the time.

Q. Will you mark on that, please, that that is Exhibit 1769? Now since you gave that affidavit to Mr. Kalter and swore to it you have also discussed that affidavit with Mr. Elbau and Mr. Von Halle who sit here on my right, is that correct?

A. I cannot tell you that exactly. It may be possible if Mr. Kalter and Mr. Elbau people were with me in my office in Frankfurt. That I showed this affidavit to them because

I always gave these gentlemen information when they came to see me.

Q. I refer to the fact that in the last 24 hours you have spoken to Mr. Elbau, the gentleman at my right here?

A. Yes, I did discuss affidavit yesterday with Mr. Elbau. That is correct.

Q. That's all I wanted to know. Now, you have in paragraph 3 a correction of one word which you wish to make that has been pointed out to me. Will you tell the Commission what that is?

A. In the penultimate line of paragraph 3 I want to have the German "wie" changed into the German word "sowie" which means "as well". So that it can be clearly seen that we also bought other products for the manufacture of Zyklon for Dessau as well as Kolin. In paragraph 2 it should really read as follows: "That the products were manufactured also on behalf of Degussa but only as far as production in Dessau is concerned."

THE COMMISSIONER: Mr. Sprecher, Are you able to follow these corrections?

MR. SPRECHER: I am clearly able to follow the first correction.

THE COMMISSIONER: That was paragraph 3, where does it begin?

MR. SPRECHER: It begins with the sentence of the last part of that sentence which reads "necessary for the manufacture of Zyklon, such as irritants,". It should now be "necessary for the manufacture of Zyklon, as well as irritants, etc."

THE COMMISSIONER: Yes I see.

BY MR. SPRECHER:

Q. Now the last correction which is in respect to #2 and of which I was not informed before this moment, as I understand

it, is as follows:

I think we might have the witness repeat. This has to do, Mr. Witness, with Zyklon underneath paragraph 2, is that right?

A. Yes, that is, Zyklon in paragraph 2 is a Degeschproduct manufactured by order of Degesch by the Dessau factory on account of Degussa. As to "Kaliwerke Kolin" the sentence remains as it is. This should be understood as follows: Degussa furnished the products to Degesch but the producers or manufacturers were the Dessauer Werke.

Q. On whose account were the products referred to manufactured?

A. On the account of Degussa. At the end of every month Degussa charged Degesch for the amounts of Zyklon produced by the Dessau Factory at cost price.

Q. Why was the product called a Degesch product?

A. On the labels, it is true, it was said "Degesch German Association for Insecticides" but it was produced by "Scheideanstalt" on the basis of a contract and the Prosecution should have that contract in their files.

Q. Yes, we have the contract. I am just wondering -- We have the contract, witness. If we or if the defense want to bring that out we will bring that out further. I was merely asking you why.

A. I may perhaps read a paragraph here which we formulated a short while ago. It says that the relationship of Degussa and Degesch was so closely connected as far as personnel and management was concerned that a serious difference has been overlooked in statements so far. Herr Kaufmann reminds of the fact that the Dessauer Werke did not produce Zyklon on orders of Degesch but on orders of Degussa who in turn sold it to Degesch without any increase in price and also in that way the price of Zyklon was settled between Degussa and the

Dessauer Werke.

Q. Mr. Witness, I just don't know what kind of a question that was in response to; but since you raised it I want to ask you who was Mr. Kaufmann and when was this formulation so recently made?

A. This is not a contract, it is merely, an explanation which Mr. Kaufmann gave to Dr. Peters for us a short while ago.

Q. What do you mean by a short while ago--in the year 1947?

A. It was on 29 Nov 1947. And this explanation I saw in Mr. Elbau's files yesterday.

Q. Did the matter get down to the question of whether or not Degussa acted as a mere accountant in this matter or not? Do you understand that simple question?

A. The contract which Degussa had concluded with Degesch read that the Scheideanstalt, that is Degussa, should furnish an account for this product for us at a lump price and at the end of a year the exact price would be determined and according to the cost of the production Degesch had either to pay more, or less, they had to pay at any rate the difference so that it was equalized at the end of every year. That was a so-called the delivery contract.

May I complete what I have said and to clarify what I said so far. May I say that Degesch received the raw materials for the production of Zyklon, such as irritants etc., that they bought these products and that the bills for these raw materials were made out to Degussa and the cost of these materials was included in the lump price we had to pay. The difference that arose between a higher and a lower price was then settled at the end of every year.

Q. You stated that Degesch made the orders for obtaining the products and then billed them in Degussa.

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A. I did not understand you.

Yes, the raw materials were billed, for instance, as in the case of a firm furnishing absorbing agents. When we bought raw material then it was charged against the Degussa and the cost for this material had been included in the price which Degussa billed us with. Then Degussa had to make available the product in a ready state, packed and crated. That's a little complicated, this whole business.

Q. Did I understand you to say that Degesch made the arrangements with the outside firm to furnish the products to Degussa, and with the instructions that the accounting should, of course, be kept by Degussa?

A. I didn't understand that.

Q. You said that Degesch ordered that the raw materials be acquired, is that right?

A. Yes, Sir, Degesch bought the raw materials on behalf of the Degussa.

Q. But they were accounted for only in the books of Degussa, is that correct?

A. That is not correct. Degesch, so to speak only had taken care of the work for the Degussa, that is we bought the raw material and the order contained the remark that the bills were to be made out to Degussa.

Q. All right.

A. For the raw material, the bill for the raw material.

Q. Yes, we understand that. That is all. Thank you.

A. You are welcome.

COMMISSIONER: Is there a cross-examination?

DR. TUERCK: Tuerck, assistant counsel, for Dr. Berndt, for the defendant, Mann.

CROSS EXAMINATION

BY DR. TUERCK:

Q. Herr Amend, in your affidavit under paragraph 2, you mentioned a number of products which were produced by various firms especially by Farben, and furnished and shipped by Degesch. Among these products you also list "areginal". May I ask you what is this areginal?

A. I must give you the information as I know it, for I was not an expert in this question of areginal. It is, however, a product of a gaseous product for the combatting of insects which evaporates easily and is a methyl product. It is, first of all, primarily used for the

combatting of certain insects. The Degesch used this only for an exchange product, and was in direct competition in this product with Farben. Our own product, "catox", our ideal product, catox, that is ethylene oxide plus carbonic acid, was by far superior to the product areginal. Catox besides also had the advantage that it was not inflammable, but areginal is very inflammable. Degesch produced areginal only since 1944 and '45 when we no longer could get catox from Ludwigshafen.

Q. Did the Degesch acquire areginal in large amounts from Wolfen?

A. I cannot tell you that definitely, since I was not an expert for the question of the areginal, however, I hardly believe that areginal was procured in large amounts.

Q. In your affidavit under paragraph 3 you mentioned the fact that absorbing mediums, as well as irritants and stabilizers--since the prosecution nor the defense are familiar with what "irritants and stabilizers" are, may I ask, what is "absorbing media"?

COMMISSIONER: Just a minute, please. Do you understand, Mr. Sprecher, that the witness is testifying apparently from a written statement? You understand that?

MR. SPRECHER: Well, I had assumed as much from the way the examination was going, but I think there is no lack of clarity about the situation here, Mr. Examiner, and with that lack of clarity in everybody's mind, we have no objection.

COMMISSIONER: Very well. You may answer the question, Witness.
BY DR. TIERCK:

Q. What was "absorbing media"?

A. There were three types of absorbing media for the production of Zyklon: first, dia-gries, that is a natural product; pyrite, second, an artificial product, which is produced on a gypsum basis; and thirdly, round cardboard discs of the size of cardboard mats that are put underneath beer glasses.

Q. Who furnished the absorbing media?

A. For dia-gries and Erko cubes, it was procured from Korkstein

Werke near Koswig in Anhalt close to the city of Dessau. The round cardboard discs were procured from a firm called Mueller and Hindelang in Obertshausen, District of Offenbach, who in turn procured the raw cardboard from Austria.

Q. What is an "irritant"?

A. An irritant is a tear gas and a strong lacrimator which was added to the Zyklon product.

Q. From whom was this irritant procured?

A. It was furnished by the firm of Schering in Kahlbaum near Berlin.

Q. In the case of irritants and stabilizers, were there large amounts procured, or were they only in small amounts—what was the percentage approximately?

A. A certain amount was added to the finished product. It fluctuated in the case of irritants according to the possibility of procurement from about one-quarter to two percent.

Q. Is it correct that the addition of irritants and stabilizers has only an insignificant part in the production of zyklon?

A. Yes, of course, because if you only add 0.25 or at the most 2 percent, you do not — I didn't understand your question correctly, would you repeat it, please?

Q. Since you have said that the addition of irritants and stabilizers made only a very insignificant part, I ask you whether this shipment of stabilizers and irritants was important for the production of zyklon or not?

A. You cannot say that it played an insignificant part. The stabilizers had to be added to the product so that the product could all be kept in its form—in its shape. The stabilizer addition fluctuated between 0.1 of a percent and 1 percent, and this addition of stabilizing material exercised a certain irritant effect too.

Q. From the amount of stabilizer material furnished, could there be any conclusion made about the amount of zyklon to be produced?

A. Who should have made such a conclusion?

Q. The shipper of stabilizers.

A. I cannot imagine that for the stabilizer and the irritant, as was well-known to both shipping firms the irritant was used for hydrocyanic acid and also the stabilizer was used for hydrocyanic acid for stabilizing hydrocyanic acid, they knew that very well.

Q. Is it correct that the irritant was not helpful in the manufacture of some other insecticides for the combatting of insects harmful to food, tobacco and similar products?

A. I cannot give you exact information about this, I merely know that we already furnished large amounts of zyklon before the war already to Spain for the spraying of orange trees. We furnished it to the Orient for the spraying of certain bugs in tobacco plantations. Especially in the case of spraying of tobacco bales and cocoa bales. The irritants were left out of the insecticide so that the product would not suffer any harm, that is, the tobacco should not be damaged in its taste and aroma.

Q. One further question about the stabilizers from Uerdingen. Do you know anything about the size of the shipments that came from Uerdingen, the annual amounts?

A. We had an agreement with Uerdingen for about 2 to 4 thousand kilograms. We could never fix the quantity at the beginning of a certain year for we didn't know how much we might need, and the turnover or rather what we took in the way of ethylesterlofl mono-chlorine carbonic acid moved between 2 to 4 thousand kilograms a year and this includes Kolin. I should like to mention here that we also furnished raw materials to Kolin so that they should also benefit from the favorable purchase price. The Kolin production was comparatively very small.

Q. Under paragraph 1 of your affidavit you mentioned that you are an employee of Degesch and that you have been an employee since 1925.

A. I entered the Degussa in 1921 after the first world war. There I was working first in the chemicals department and then I was transferred to the department for insecticides from which Degesch was formed. I am

active in this enterprise really since 1921 in the Degussa or Degesch.
We had joint personnel with Degussa.

Q. Are you in a pension fund?

A. As an employee of Degussa, I am in such a fund. Our people who entered it during the war, however, were no longer taken into this pension fund.

Q. In connection with the fact that you characterized zyklon as a Degesch product or that you had so designated it, I should like to ask you who undertook the bookkeeping of Degesch?

MR. SPRECHER: Just a minute. May we ask counsel the way in which he finds that is within the frame of the affidavit?

COMMISSIONER: You may ask him that.

MR. SPRECHER: We have had other testimony about bookkeeping and about the contracts that affected this arrangement, and about the original formation of the agreement, etc., etc. I have been quite liberal in not making objections that some of these questions were without the affidavit, beyond the scope of cross examination, but counsel can bear upon one's patience a little too long.

COMMISSIONER: Do you think, Counsel, that you are within the framework of the affidavit?

DR. TIERCK: I withdraw my question.

COMMISSIONER: Very well.

DR. TIERCK: I have no further questions.

COMMISSIONER: Any other cross examination?

DR. HEINTZELLER: Dr. Heintzeller for Dr. Wurster.

COMMISSIONER: Dr. Heintzeller, may I ask this, I understood this morning that Dr. Wurster had waived attendance here, that is correct, isn't it?

DR. HEINTZELLER: Yes.

COMMISSIONER: You may proceed, Dr. Heintzeller.

BY DR. HEINTZELLER:

Q. Did I understand you correctly, Witness, that you said that the shipping firm of the people who shipped Zyklon to Degesch was Degussa—that is the firm who furnished to Degesch a bill about Zyklon?

A. Yes, that is correct.

Q. Is it correct that Farben had nothing at all to do with furnishing zyklon to Degesch?

A. Farben had nothing to do with furnishing zyklon since the sole

producing factories in Europe were the Dessauer Werke who predominantly manufactured zyklon and then also the Kaliwerke in Kolin.

Q. Under paragraph 2 of your affidavit you list the products of Degesch. I understood you correctly that areginal normally was not a Degesch product, but only exceptionally during the war was produced by Degesch as a substitute for catox, is that correct?

A. Yes.

Q. Then of the normal products of Degesch, one product, zyklon, was furnished by Degussa and five products were furnished by Farben?

A. Yes.

Q. What percentage of the Degesch turnover constituted zyklon, and how much was constituted by the products furnished by Farben?

A. I cannot give you any information extemporaneously about that. The main product was zyklon. The main product of Degesch was zyklon, as far as turnover was concerned. Exact statistics are to be found in the business report.

Q. Can you give us an approximate indication whether they constituted more or less than 50 percent of their entire turnover of Degesch?

A. Yes.

Q. What do you mean with "Yes", more or less?

A. I believe more than 50 percent, but I cannot tell you that exactly.

Q. I have one more short question about the stabilizer which was manufactured in Uerdingen. Did I understand you correctly that Uerdingen made the bills out to Degussa for these furnishings of stabilizing material?

A. Yes, according to the orders, Uerdingen had to do that, since Degussa paid for it. It did happen frequently, however, that individual firms forgot to make out the bill correctly. It was prescribed in the order, "We herewith order the following, the bills to be charged against Degussa". That is what the order said, however, it was kept on the books and paid by the Degussa. All raw materials were paid by the Degussa, that is, of course, with the reservation that they refer to zyklon.

Q. A short while ago you spoke about fluctuations in the percentage in which the stabilizer material was added to the zyklon gas. I think you said that the addition fluctuated between 0.2 and 1 percent.

A. I said a quarter of a percent to 2 percent, in the case of irritants, and 0.1 to 1 percent in the case of stabilizer material. That was ethylester of mono-chlorine carbonic acid.

Q. Can you tell me whether these fluctuations in the addition of stabilizers also occurred during the war years?

A. Yes. During the war years it was caused by the possibility in which we could get this stuff from the various plants. The Kahlbaum plant was not able to furnish us all the time with these things, and then there were difficulties in the supply of stabilizers coming from Uerdingen.

Q. You say Coettingen or Uerdingen?

A. I said Uerdingen.

Q. Witness, the question I put to you, whether fluctuations in stabilizers occurred during the war, you answered with "Yes", and you pointed out that difficulties of supply occurred in the firm of Schering Kahlbaum. This firm, however, according to your previous statement, produced irritants and not stabilizers.

A. Excuse me, I made a mistake.

Q. Did the stabilizer ever serve as a substitute for irritant or the other way around?

A. Yes, they were used interchangeably. The stabilizer also had a certain irritant effect and when the shipments of irritants fell off and stayed out, then we added the stabilizer of mono-chlorine carbonic acid ethylester to an increased extent.

Q. Did you report to the shipping firm of Uerdingen about the fluctuations in the percentage?

A. Uerdingen had nothing to do with the production.

Q. One last question, why did you treat stabilizers in Number 4 more than the other raw materials such as irritants and absorbing media?

A. I discussed this affidavit at the time with Mr. Kalter and that is the way he submitted it to me for signature, and I mentioned to him also at the time whether it might not perhaps be more expedient to list the firms that shipped these things to us and he was of the opinion at the time that it was not necessary.

DR. HEINTZELLER: Thank you very much. I have no further questions.

THE COMMISSIONER: Is there redirect?

REDIRECT EXAMINATION

BY MR. SPRECHER:

I am rather surprised at the last question. Of course, the position of the Prosecution is always clear that it is attempting to get relevant evidence in connection with the issues and if the defense, at any time, thinks that we have left anything out that's exactly what they are paid to do, and that is to bring it out, but the form in which it was brought out, particularly in view of the history of this proceeding, I don't think was particularly necessary. We'll stipulate to that kind of thing any time the Defense wants to save questions.

Q. Now, Mr. Witness, the stabilizers and irritants, of course, as you have testified, were a relatively small part of the total product Zyclon which was principally made up, percentage-wise, by prussic acid. Is that correct?

A. Yes, prussic acid. Zyclon had 1/4% to 2% addition of irritant, and 0.1 to 1% of stabilizers, and 1/4 to 2% of irritants. The turnover of Zyclon fluctuated between 250,000 or 300,000 kilograms a year.

Q. Mr. Witness, please, if you will stick to the question. I merely asked you if the percentage wasn't small and you proceeded to confirm that. Is that right?

A. Yes.

Q. All right. Now, was there any patents covering the making of prussic acid or were there no patents covering the making of prussic acid, so far as you know, of course?

A. Would you please repeat that question once more?

Q. Do you know of any patents which covered the making of prussic acid as such?

A. The production of prussic acid dates back to ancient times --

THE COMMISSIONER (Interrupting): Just a moment, please.

I should like Mr. Sprecher to point out what part of the affidavit he is referring to or to which question of the cross examination his present questions relates?

MR. SPRECHER: Yes, I think that can be stated quite shortly. Counsel for the defense talked about the importance of the percentage of the product and I was directing my remarks to the implications of the question, raised by the defense on cross examination, as to whether or not his leading question with respect to what is important or not is important -- has any basis.

THE COMMISSIONER: Isn't it a fact, Doctor, that there were some questions addressed on cross examination to this witness in regard to the percentage of these different constituents making up this Zyclon-B?

DR. TUECK: Yes.

THE COMMISSIONER: Then, wouldn't it be in order for the prosecution, on redirect, to clarify anything that might be left in doubt?

DR. TUECK: Yes, but Mr. Sprecher's asking for patents. I think that's another affair than the question of how the product was constituted.

MR. SPRECHER: Well, literally speaking, that is true, but Defense Counsel omits the fact that he said isn't this important and as soon as he said anything like that in his leading question then he opened up the field as to what is important, and this affidavit does mention the fact that Degesch, as the sole owner of the patent, did certain things. Now, I'm going to a narrow subject concerning percents and patents, and I wanted to point out that the principal patent, which is the important and controlling thing here, which, in effect, distinguishes ordinary prussic acid from Zyclon-B, has to do with how these irritants and stabilizers were added to the basic element, prussic acid. It's as if I am trying to make concrete. The elements in concrete are a lot of sand and water, but if I add certain elements in a small degree I can get a different product, and that's the thing I'm trying to bring out here.

DR. TIERCK: The basis is given by the affidavit and the affidavit raises the question that Farben -- that is, Uerdingen -- furnished the stabilizers. The Defense subsequently asked what percentage -- how much -- was furnished by these people in Uerdingen. I consider that question to be quite within the scope of the affidavit, but the question now being put by the Prosecutor, Mr. Sprecher, who owned the patents for these processes, that that question exceeds the scope of the affidavit.

THE COMMISSIONER: Now, Mr. Sprecher, do you really consider it important for the presentation of your case to ascertain who has the patents?

BY MR. SPRECHER:

May I put the question another way and probably it will make it clear that the question is actually even within the affidavit, let alone the cross examination?

Q. So far as you know -- and I'm only asked you, Mr. Witness, whether or not you know -- did the patent of Degesch apply to the prussic acid or merely to the application of the stabilizer and the irritant to prussic acid? You mentioned the patent in paragraph 3, the first line. Do you know or don't you know?

A. In my opinion, the patents applied only to stabilizers and the addition of irritants, as well as for the invention of Zyklon itself. That the main invention that Zyklon constituted, was the fact that hydro cyanic acid was absorbed in a porous material. The absorption of liquid hydro cyanic acid in a porous material. Then, there were also patents for stabilizers and for irritants. Whether these patents extended only to the Degussa or to the Degesch I cannot tell you with 100% certainty.

Q. Now, you said that some type of a written order to the firms furnishing raw materials stated expressly, in writing, that they should be -- that the billing should be to the Degussa. What kind of a written order was this that you're talking about?

A. We always made annual contracts covering the raw materials for Zyclon. For instance, irritants, stabilizers, packing material and crates. These contracts, for simplification reasons, were carried out by Degesch again for and on behalf of Degussa. In the contract it was stated that the bill for the raw materials furnished should be sent to Degussa and, as a result, the shipping firms sent their absorbing material to Dessau and then sent the bill to Degesch which was made out to Degussa. The bill was checked, the payment was advised, and Degussa paid it. At the end of every month we were informed: "You procured so many thousand kilograms of Zyclon." We were given a certain price for this amount. For instance, four marks. If you multiply ten times four thousand you have forty thousand. Then we had to pay forty thousand marks. At the end of the year the price was verified. If it was higher or lower, the corresponding equalizations were taken again via Degussa, and then they were all incorporated in the balance sheets of Degesch.

Q. Can you tell me simply and clearly then whether or not Degesch made the annual contracts that you mentioned with the suppliers of the raw materials? Is that true or is it not true?

THE COMMISSIONER: The witness should answer that question "yes" or "no".

THE WITNESS: Yes, that's correct.

MR. SPRECHER: Thank you.

RECROSS EXAMINATION

BY DR. HEINTZLER (Defense Counsel for Dr. Wurster):

Q. Mr. Witness, you answered the question whether the contracts were made by Degesch in the affirmative. Is it correct that Degesch concluded these contracts on behalf of Degussa and for the account of Degussa?

A. You are speaking of the raw materials?

Q. Yes.

A. I cannot construe this to mean anything different than that it was done on behalf of Degussa because Degussa had the contract with Degesch.

Q. To the question of patents, is it correct that Dr. Herdt took out the patent for Zyclon about in 1922?

A. I cannot tell you that exactly.

Q You said that you were not exactly informed as to what extent Degesch or Degussa were the owners of the patent. Can you confirm to me that at any rate Farben had nothing to do at all with Zyklon patents.

A Patent questions were dealt with by technical experts. I hardly believe that Farben had any patents about Zyklon.

MR. SPRECHER: Thank you very much.

I have no further questions.

THE COMMISSIONER: Have you anything further for this witness?

The witness may be excused.

Have you anything you wish to bring to the attention of the Commissioner, Mr. Sprecher?

MR. SPRECHER: I do not think there are any other witnesses. I do not know whether anybody from the defense has anything to notify the Commissioner about or not. Dr. Heintzeler is not here.

THE COMMISSIONER: Have you any ideas about getting interrogatories out to these witnesses who have not so far appeared, or who it appears will not be able to appear later on?

MR. SPRECHER: Normally speaking, Mr. Commissioner, the Prosecution would not want to make any further examination by interrogatories of those witnesses who are beyond the jurisdiction of this Court, or who for some other reason are not now available physically.

There may be a few cases when the Prosecution may be interested in furnishing a cross-interrogatory after interrogatory has been furnished to the Tribunal by the Defense. But I think that will be fairly limited too, so the Prosecution has no initiative to take in that matter at the present time.

THE COMMISSIONER: I understand that, but Mr. Sprecher, this is what I had in mind. Have you any further witnesses who are available for oral examination?

MR. SPRECHER: There are none immediately further available unless Mrs. Uiberall made some other arrangements with you, but I think we have pretty well exhausted the available witnesses.

THE COMMISSIONER: That is, the witnesses available for oral examination?

MR. SPRECHER: Yes.

THE COMMISSIONER: Then in that case, in adjourning this afternoon or recessing this afternoon, it will be indefinitely, that is, subject to further notice should further witnesses appear who could be examined orally.

I want to say that part of my duty as Commissioner is to furnish to the Tribunal No. VI a report of proceedings here, together with recommendations as to what might or should be done as to the witnesses who have not been examined.

It seems that there is nothing further to be done except that the witnesses who have not already testified on their affidavits might be brought into court by way of interrogatories and cross-interrogatories.

I have in mind at this time recommending to the Tribunal that a time limit of one week be fixed in which such interrogatories and cross-interrogatories be completed and forwarded wherever those witnesses may be, in order that we may know which witnesses are actually going to testify and be in the record.

Now I would be willing to hear from counsel here, counsel for the Defense, or from you, Mr. Sprecher, as to whether or not I have set a time limit which is inadequate for the purpose. Have you anything to say about it, Mr. Sprecher?

MR. SPRECHER: Well what my thoughts are about the question of interrogatories are fairly well known to Defense counsel, certainly to Dr. Meuller, and I believe to you. I feel that a good many of them should have been submitted a long, long time ago, and that if there are now any difficulties it is a self-induced problem.

That is all I have to say.

THE COMMISSIONER: Has Defense counsel, or any member of Defense counsel anything to say in regard to these interrogatories.

DR. HEITZELER: Mr. Commissioner, I am not been able to make a statement binding upon all of my other colleagues. However, may I point out to you, Mr. Commissioner, that next week the Defense case will start, and that all of my colleagues are occupied and are more than busy in order to be able to prepare the document books in this comparatively short recess that was granted.

Therefore, I should like to ask you that I be permitted to transmit to my colleagues what you, Mr. Commissioner, have in mind, but that today no binding decision should be reached and that perhaps a representative of the Defense and the Commissioner, or the President of the Tribunal should all confer in this matter.

THE COMMISSIONER: Of course, the simplest way of resolving this matter would be for the defense counsel to waive the cross-examination of witnesses, or for the Prosecution to withdraw the affidavits. That would resolve the whole thing. I doubt if Mr. Sprecher will be inclined to withdraw any of his affidavits, but these examinations should be concluded much more speedily than would be possible if we simply await the time when the Defense counsel will not be busy, because I foresee, and you undoubtedly agree with me, that that time is somewhat distant. Every member of the Defense counsel will be as busy as a bee from now probably until June, and I do not think that the Tribunal will be inclined to look with patience on an indefinite postponement of clearing up the tag ends of the Prosecution's case, which the Prosecution claims is caused by lack of diligence on the part of the Defense.

- I think, Dr. Heintzeler that I will set a time limit of ten days in my recommendations, and, of course, the Tribunal will have an opportunity to hear Defense counsel as to whether or not that is an arbitrary limit.

Dr. HEintzeler: May I ask you, Mr. Commissioner, does this time limit of ten days refer to the decision as to the form in which we are to deal with the witnesses, or are we to have already submitted, our interrogatories within the period of 10 days?

I believe that the latter course would hardly be possible under the present circumstances.

THE COMMISSIONER: 10 days is within the limits of possibility, I believe, and I am setting it that way, not with the idea of being arbitrary, but I am impressed with the fact that this trial has been going on a long time, and that these interrogatories could well have been taken care of at some earlier period. The 10 days I spoke about is the period of time in which the questions should be prepared and ready for forwarding. I am going to leave that to the Tribunal to pass upon, as to a shorter time.

DR. HEINTZELER: Mr. Commissioner, I do not want to be contentious, but May I point out to you that the presentation of the case of the Prosecution took about three months, similar to the Flick trial, but that within those three months we had submitted to us four or five times as many document books as were submitted to our colleagues in the Flick trial, and that as a consequence, many counsel had not the possibility to take in all of the 90 document books in these three months.

May I further point out to you that the recess between the Prosecution and the defense case of itself, compared with the immeasurable extent of the evidence, is very brief, and I should like to mention that merely to give you, Mr. Commissioner, the picture and to convince you that my colleagues were not negligent in the observance of their duties, it is merely the wealth of the material which makes it impossible for them to work out these interrogatories in time.

THE COMMISSIONER: Dr. Heintzeler, I am rather familiar with the bulk of that material that was submitted by the Prosecution. As a matter of fact, it has all passed through my office. What would you, under all of the circumstances, — what would be your idea of a proper time limit?

DR. HEINTZELER: Mr. Commissioner, I do not think I am justified in committing my colleagues in this matter. May I suggest to you again

that Mr. Sprecher, in connection with the Commissioner's order, if it is desired, should get together with the Defense and the Commissioner and the President of the Tribunal.

MR. SPRECHER: Mr. Examiner, I will be glad to accept any invitation from either you or from the President of the Tribunal, of course, for any session, but I think that we have gone on with respect to this matter for an awfully long time. The defense has not filed one interrogatory since the beginning of this case that has passed through the hands of the Secretary General of this Tribunal, or of this Commission.

THE COMMISSIONER: Have they had an opportunity, Mr. Sprecher?

MR. SPRECHER: They have had an opportunity from the first day that affidavits were introduced. There has obviously been an attempt to avoid taking the type of testimony in all cases which would be least costly of the time of this Tribunal, of this Tribunal's agents, or of the United States government generally. If that were not such a perfect record, perhaps then there would be some question as to what motives were involved. Now from the point of view of the Prosecution, comparisons to the Flick case, and further references to decisions which this Tribunal has already made, full well knowing what these problems were, it seems to me are useless.

At the last session of the Tribunal, the Tribunal asked that the Prosecution and the Defense and the Commissioner be finished as much as possible with this matter by the 12th of January, 1948, so that the final tag ends could be finished immediately after the 12th of January.

Here we are on the 9th of January, and we have still not seen one interrogatory and the Prosecution alone, as usual, has been the only agency which has taken any initiative to accomplish the directives of the Tribunal.

THE COMMISSIONER: Well, I should not be inclined to take into consideration, in making any recommendation, the thought that the Defense

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has purposely, or intentionally, beset the Prosecution with any unnecessary delay, but I think that something should be done, - something effective should be done to bring this matter to a conclusion.

In other words, we should not dally about with it any more. And I think in view of what you have said, Dr. Heintzeler, that the recommendation and that that has been questioned, and I will ask the Tribunal to fix what it considers a fair and reasonable time for the Defense to file its interrogatories; and that in the event the Defense Counsel who are interested in these witnesses fail to submit interrogatories within the time set then it be decided held that they have waived their right of cross-examination.

DR. HEINTZELER: Mr. Commissioner, may I ask one more question? I don't want to answer reproaches with more reproaches, but may I be permitted to ask when the witnesses from the British Zone will be furnished by the Prosecution, who are to be cross-examined during this week, according to the last written communication by the Prosecution? I remember a certain Mr. Perry Broad from the British Zone who is supposed to be examined in the course of this week together with some other witnesses from the British Zone of Occupation.

MR. SPRUCHER: Can Dr. Heintzeler indicate any other similar cases to Perry Broad that he recalls? Talking together here, Dr. Heintzeler and I note that there were three affidants from the British Zone—Dr. Bendel; Perry Broad, whom Dr. Nelte was interested in; and Zaun (Z-a-u-n), who Dr. Berndt was interested in.

Now, I have had no indication that these witnesses either have agreed or have been directed to come here, since they are in the British Zone.

THE COMMISSIONER: I thought you had given them up.

MR. SPRUCHER: All we can do is request the British authorities to send them down here, and if nothing happens, well, we have exhausted our authority.

MR. Commissioner, as far as I know, you actually have more knowledge of these three cases than I do, since my administrative assistant who makes the requests of the British has talked to you about them. I do not happen to have any further notes on them.

THE COMMISSIONER: Well, I have gained the impression from my conference with the Prosecution and its agents that the witnesses who came in today

were the last witnesses who would be available for oral testimony, and clearly that leaves us with no alternative but to proceed with interrogatories and that is why I have brought this up and thrashed it out as exhaustively as I have this afternoon, instead of having conferences in my office.

We don't seem to get anywhere when I talk to you in my office.

MR. SPOUCHER: Dr. Heintzeler did ask me a very express question; I want to give him as express an answer as possible. But I am certain during the Defense case too, and he has certain obligations in connection with affiants or witnesses of the Defense, he will find out you can't, particularly over a period of months, do all you would like to do with respect to affiants and witnesses.

Now, we feel that we have just about exhausted the bottom of the barrel. If one of these persons should come along because the British shall find him and send him at a later date—that would be fine. But there doesn't seem to be an assurance that that is going to happen. If there is any doubt that the British have been requested to send the witnesses, we will be glad to see that you are satisfied in that regard. But the matter of the fact is that the postal system still works well, and the means of cross-examination by interrogatory is open and has not been used.

THE COMMISSIONER: I think we have nothing further with regard to this matter this afternoon, and for that reason I will declare this meeting recessed until a further notice in regard to the possible examination of witnesses on oral testimony.

(The Commission recessed at 1505 hours, 9 January, until a date to be determined later.)

Official transcript of American Military Tribunal VI in
the matter of the United States of America against
Carl Krauch, et al; defendants, sitting at Nurnberg, Germany
on 12 January 1948, 0930, Curtis Shabo presiding.

THE MARSHAL: The Honorable, the judges of Military Tribunal VI.

Tribunal No. VI is now in session. God save the United States of
America and this honorable Tribunal.

There will be order in the court.

THE PRESIDENT: You may report with respect to the attendance of the
defendants.

THE MARSHAL: May it please your Honor, all the defendants are present
in the court room.

THE PRESIDENT: The Tribunal would like to review with counsel for
just a moment the situation with reference to pending matters. As we under-
stand our record, there is now pending before the Tribunal a motion on behalf
of all defendants, bearing date of 17 December, 1947, for a finding of not
guilty as to Counts 1 and 5 and parts of Count 2. There is also pending be-
fore the Tribunal a motion made by Dr. Lammert on behalf of the defendant
Kuehne, dated 15 December, 1947, for a finding of not guilty as to all charges
against that defendant. There is also pending before the Tribunal a motion
by Dr. Aschensauer on behalf of the defendant Gattineau, dated 9 December
1947, for a ruling as to the controlling effect of Control Council Law 10 as it
applies to this Prosecution.

I may say on behalf of the Tribunal with respect of all of those
motions, and particularly with respect to the first, that a ruling on that
motion requires a careful scrutiny of the evidence, not only as a whole but
as it applies to each of the twenty-three defendants on trial. With the time
available and the limited staff that the Tribunal has at its command, that is
quite a burden; and we are hardly ready to discharge our responsibility to
counsel in that regard. I may say further that the Tribunal is definitely of
the opinion that it ought not be asked to rule upon that motion or any motion
pertaining to the sufficiency of the evidence of the Prosecution until the
matter of the cross-examination of Prosecution's witnesses has been concluded.



The Tribunal would not want to find itself in the position of ruling upon the sufficiency of the Prosecution's evidence so long as the door had not been closed on the Prosecution's case. And if counsel for Prosecution and Defense will cooperate to conclude as speedily as possible the matter of the cross-examination of the outstanding witnesses, the Tribunal will expect to be ready to rule promptly and fully with respect to those matters.

In the meantime, I think counsel can see that we might find ourselves in a most embarrassing position on ruling on the sufficiency of the Prosecution's evidence before we know what it is.

Now, one thing further. There is also pending before the Tribunal motions by Dr. Gierlichs on behalf of the defendant Schmitz; Dr. von Metzler on behalf of the defendant Haefliger; and Dr. Helmut Dix on behalf of the defendant Schneider—to require the Prosecution to produce for the examination and use of said defendants certain statements, affidavits, and interrogatories alleged to be in the hands of the Prosecution. It will be recalled that when that matter was discussed orally the Prosecution made the statement that if the motions were directed at all of the data in the possession of the Prosecution, the Prosecution might be required to produce some matters of a confidential nature. In any event, the motions are not definite and specific as to particular documents. The Tribunal is now overruling those motions with this reservation: that if in the course of the trial it appears that any particular document is pertinent for the purposes of the Defense and is in possession of the Prosecution and available for production, upon a showing of its pertinency the Tribunal will rule with respect to the merits of whether or not the document ought to be made available. But in the general form of the motion and in view of the representations made by the Prosecution, the Tribunal feels that it would not be justified in sustaining these motions as made, and they are now overruled with that reservation, that counsel for the Defense or counsel for individual defendants may renew the motion at the proper time if there can be made a showing of the pertinency of a document available in the hands of the Prosecution, so far as the Defense is concerned.

So far as the Chair is advised, that covers the field of pending matters.

We have now reached the stage where the order of business is somewhat reversed and the Chair now calls upon the Defense to say whether or not it has any observations to make before it proceeds with its case.

DR. WELTZ(Counsel for defendant Hoerlein): Your Honor, with respect to the rulings which have just been announced by the Tribunal, the Defense has no the intention at the moment to make any further statements. However, I should like to ask the Tribunal to hear me on a question which I believe is of general importance for the submission of evidence by the Defense and also is important with respect to the duration of such submission of evidence. The Prosecution, upon request of the Tribunal, has presented a trial brief, the purpose of which was that after the conclusion of the submission of evidence by the Prosecution the points would be clarified which in the opinion of the Prosecution can be considered as having been proved.

The Prosecution in Part 6, page 1, of their preliminary memorandum, has stated the following: "In Parts 1, 2, 3, and 5 of this memorandum we have reviewed the evidence which bares the extent and the manner of participation of these defendants in the crimes of which they have been accused and which they have committed through the instrumentality of the I.G. and through other ways."

If I have understood the purpose of this trial brief correctly, it had the purpose also to give the Defense a possibility to present their submission of evidence in a material way which would not take up too much time. As far as I can see the Prosecution has in no single case withdrawn one of the 147 counts of the indictment. With respect to the motions I made on behalf of my client Hoerlein in my opening statement, regarding a number of facts, they have not taken any positive action.

I should now like to ask the Tribunal to make a ruling as to whether the Defense, without prejudice to their individual defendants, should limit itself to the material statements of the Prosecution in their trial brief and

therewith leave out of consideration such counts of the indictment and consider them as having been dealt with, which have not been based upon documents and not been covered by the trial brief.

I should now only like to refer to two counts with respect to the defendant Prof. Dr. Hoorlein which clarify the significance of my request.

In count 128 of the indictment all factories of the I.G. are charged with having employed slave labor and having treated them in violation of the international law in various ways. Since slave labor also includes the employment of foreign labor, the plant at Elberfeld, the head of which was Dr. Hoorlein is, in general, also affected. The Prosecution have also in their hands an affidavit of the Frenchman Moyaux, NI-7513, Document Book 70, in order to substantiate Count 128 with respect to Elberfeld. This affidavit has not been offered by the Prosecution but is being held in abeyance by them. And therefore it has not been mentioned by them in their trial brief. It is my question now whether, with respect to general responsibility of Prof. Hoorlein as a member of the Vorstand, the Defense must make the entire complex of the Elberfeld plant a subject of their submission of evidence, or whether the burden of proof rests upon the Prosecution in this case of individual responsibility, so that the Defense be relieved of the duty of offering counter evidence.

Point 2: With respect to counts 131 and 132 of the indictment, the Prosecution, under Paragraph 96, page 60 of the trial brief, referring to Count 3 of the indictment, has submitted the following: I quote. "In order to alleviate the appraisal of the evidence submitted with respect to the individual guilt of the defendants, this evidence will not extend to all documents referring to medical experiments but only to those which have been carried out in Buchenwald and Auschwitz concentration camps." The trial brief limits itself to three separate series of experiments: "A. Series of experiments which have been carried out in the concentration camp Buchenwald in order to test the efficacy of the typhus vaccines of the I.G. B) Series of experiments carried out in the concentration camp Buchenwald in order to test the efficacy of the chemo-therapeuticum of the I.G., Acridin, 3,582;

Ruthenol, and Methylene-Blue in the treatment of typhus. C). Series of experiments which were carried out in the concentration camp Auschwitz to test the efficacy of the chemo-therapeuticum Acroidin, 3,582 of the I.G. in the treatment of typhus."

The Tribunal will recall that during the submission of evidence by the Prosecution the therapeutic experiments with Drug B-1034 were discussed which Dr. Votter allegedly carried out in the concentration camp Auschwitz. This Drug B-1034 is the one and only preparation which originates from the Elberfeld plant, and which was mentioned in connection with Auschwitz. Now, the preparation B-1034 has not been mentioned a single time in the trial brief which deals at great length with medical experiments, nor has this preparation been mentioned in the quoted passages of testimonies and affidavits which refer to medical experiments. Under these circumstances I ask the Tribunal for a ruling as to whether the defense of Prof. Hoerlein, in spite of this situation should take into consideration the considerable and extensive submission of evidence with respect to the drug B-1034 which they have already prepared, whether they should submit all that evidence, or whether the Defense is entitled to the assumption that the Prosecution has considered this fact as being done and over with.

In conclusion, let me point out that the same holds true in the case of count 53 of the indictment, sulphonamide and atobrine, with respect to which the Prosecution, neither during their presentation of evidence nor in the trial brief submitted any evidential material at all, without however dropping the count of the indictment itself.

Your Honors, I believe that your decision in this case will be of basic importance, and furthermore that your decision will have great value with respect to the extent and the duration of the submission of evidence on behalf of the Defense.

THE PRESIDENT: Does the Prosecution have something to say?

MR. DUBOIS: Just a brief comment, Your Honor. The purpose of the briefs which we submitted were to outline the general theory of our case on each of the counts. That is, as we understood, was what was requested,

together with certain explanations of the highlights in our evidence as it related to our theory. - Our briefs did not purport in any way to cover all the evidence or all the ramifications of the evidence which we had introduced in this case.

THE PRESIDENT: The matter propounded by counsel for the Defense is one with respect to which the Tribunal can only make general observations. As we have indicated before, the method and order in which the Prosecution undertakes to build up its case is primarily in the hands of the Prosecution; it is no concern to the Tribunal except insofar as that matter relates to conservation of time and orderly procedure. Neither is the Tribunal at this time required to determine what the Prosecution has or has not established, except insofar as that matter may be brought to the attention of the Tribunal by such motions as we now have under consideration. We do not understand that the Prosecution has limited or restricted its understanding of the force and effect of its evidence by the brief that it has filed. That brief is not a pleading in the case, strictly, but was furnished at the request of the Tribunal in order that it and counsel for the defendants might have some conception of the theories upon which the Prosecution is proceeding.

Certainly we would not be justified in saying that any summarization of the evidence contained in that brief was binding on the Prosecution if perchance there is other evidence in the record upon which the Prosecution may wish to rely to sustain a conviction at the end of the trial.

I can only say to counsel for the Defense: It would be incumbent on you to exercise your own judgment as to what evidence is necessary to meet the evidence produced by the Prosecution. I may venture this one observation that I think you would be safe in acting upon, that is, that you can bear in mind that the burden has been, is, and will continue to be, on the Prosecution to prove the guilt of your client or any defendant beyond a reasonable doubt, and that you are not required to anticipate a defense but only to meet that which has been established by competent evidence before the Tribunal. That is just about as far as the Tribunal feels free to go at this time.

The question as to whether or not certain facts have or have not been established and whether or not you would be justified in offering evidence to dispute those facts is one in which the responsibility rests on the shoulders of counsel for the Defense.

May I add one thing further? It is proper, we think, to call the attention of counsel for the defendants to this: that the indictment is in no sense evidence, and it serves a valuable purpose so far as the proof is concerned only to the extent that it is sustained and supported by evidence. If there are allegations or charges of fact in the indictment that have not been established by proof on the part of the Prosecution, there certainly is no obligation or burden whatever on the Defense to meet the allegations contained in the indictment; and in so far as you find charges in the indictment that have not been supported by evidence, you will be well warranted in giving no attention to them, so far as your proof is concerned.

DR. VON METZLER (Counsel for defendant "aeffliher): Your Honors, I should like, with your Honors' permission, to raise one small problem which has been discussed during one of the October sessions. That is the question whether the charge of conspiracy under Count 5 of the indictment applies to Counts 2 and 3 of the indictment. Your Honors will recollect that the position of the Defense in this respect is that the theory of the Prosecution is in flat contradiction to the IIT judgment which states that the charge of conspiracy can apply only to crimes against peace. Therefore, we would respectfully ask the Tribunal whether this question will be dealt with now or at a later date.

THE PRESIDENT: That inquiry is certainly pertinent when the Defense is confronted with the problem of presenting its evidence. I should not like to rule on behalf of the Tribunal extemporaneously on that matter, and if counsel will permit us to pass it at this time, we will call it up again after the recess.

Any announcement or observation on behalf of the Prosecution?

MR. SPRECHER: Only one thing, Mr. President. The Prosecution has received no document books pertaining to the Defense case in the English language whatsoever.

DR. BOETTCHER (Counsel for defendant Krauch): Mr. President, with respect to the last statement let me give you a short explanation. The document books have been submitted by us in time, ever since the middle of September. We have received a number of document books back in the German language. I do not know however how far the reproduction and the translation of the English language copies have progressed. If I may say, I am in a position to start with my submission of evidence, today, but do not as yet submit any document books. I do hope, therefore, that the document books will be available within the next few days and will get to the Prosecution and to the Tribunal in good time.

THE PRESIDENT: Did you have something further to say? Mr. Sprecher?

MR. SPEICHER: For the information of the Tribunal, I just now received a note from the head of the Language Division which indicates that the first five documents on Krauch, in the English, might be expected as follows: 1 and 2 on the 15th of January; No. 5 also on the 15th of January; No. 4 on the 14th of January, and No. 3 on the 19th of January.

Since the Prosecution has nothing to do with the processing of the Defense books, I cannot make any reply as to when the proper steps were taken. I do not know.

THE PRESIDENT: Counsel will recall that the Tribunal urged as vehemently as it felt it dared to, the importance of getting these document books into the processing stage before we adjourned for the Christmas recess. That was just in the hope that we might avoid any embarrassment whatever because of the delay of processing. We certainly do not wish to anticipate that we are going to be delayed by it. If we may have the assurance of the cooperation of counsel, the Tribunal will assume its responsibility of insisting upon the prompt and expeditious processing of these documents.

We do not propose to have this Tribunal bogged down and this trial unduly delayed by administrative difficulties if we can avoid them, but in order to accomplish that result, we must have the prompt cooperation of counsel for the Prosecution, and the Defense alike. We will not anticipate any trouble, and perhaps everything will work out well.

We have now reached the stage where the Tribunal is ready to hear the evidence of the Defense, and the Defense may proceed with its case.

DR. SILCHER: Your Honor, in the same way as the Prosecution, the Defense would like to submit some basic material, basic information with respect to the I.G.

It was my task to compile such basic information and to present it to the Tribunal. This basic information of the Defense is not to give you a complete picture of the I.G. per se, because the basic information

submitted by the Prosecution is if not complete to a large extent correct. We do not desire any repetitions. We do not think that it is important that a correct over all picture is gained by the Tribunal with respect to the I.G.

For that reason, we want to submit some basic material in so far as the material submitted up to now seems to be lacking in completeness, and give an incorrect picture. In the same way as in the case of basic information submitted by the Prosecution, we do not intend the basic information of the Defense to represent evidence in itself.

The individual Defense Counsel, however, may want to quote individual passages and use excerpts of that basic information, and present it as evidence, or he could use basic information in any way he pleases, when presenting his evidence. It certainly would have been correct, and it was so intended that this basic information should be submitted at the beginning, of the case for the Defense, - that is, today, and it should now be completely before the Tribunal, but unfortunately that aim of ours could not be realized.

It is in the nature of such material that its compilation takes a considerable lot of time, and a considerable amount of skilled labor, and presupposes a technical apparatus and a good staff of people. Consequently, the technical handicaps, and such difficulties as Germans have to put up with it in Germany all over, and which also an oppressive obstacle for the Defense have caused considerable consequences with respect to this type of work.

Moreover, the sources where from such material is to come, the I.G. Farbenindustrie, cannot be exhausted upon the orders of the Occupational Powers.

For that reason, we had too little time for a compilation of a complete basic information, and not even today can I give you a definite date up to which we shall be in a position to submit to the Tribunal a complete, basic information of the Defense. I can only give you the first volume of it in a few copies which already are before you, and which

I have also handed over to the General Secretary, and also to the Prosecution.

We are concerned with the last Edition, which appeared in 1939, compiled by the I.G. during the years before the war, an Edition which appeared yearly, and which is called the "Silber-Broschuere" also I.G. Handboek. The name, "Silber-Broschuere" is derived from the silver cover of that Edition which was composed of an I.G. product.

The 1939 edition deals with export. The handboek in itself gives overall information on the I.G. It served mainly the publicity, and deals with policy, - the general policy of our enterprise. The I.G. Handboek, the "Silver-Broschuere" has been translated and is now bilingual with an edition in the English language. It has been completely unchanged, and it is now before us as it was published in 1939, at a time when the I.G. as alleged by the Prosecution, was just about to unleash an aggressive war in alliance with Hitler.

THE PRESIDENT: Do we understand, counsel that you desire that this be submitted along the same line that Counsel for the Prosecution submitted its so-called basic information, without being marked as an exhibit at this time?

DR. SILCHER: Yes.

THE PRESIDENT: Very well. The Tribunal will receive the basic information furnished by the Defense with the understanding that copies have also been made available to the Prosecution and for the record.

You may proceed.

DR. SILCHER: Thank you, Your Honor.

DR. MOETZLER: Your Honors, as I have already announced in my opening statement, I shall now begin my submission of evidence on behalf of the defendant Krauch, by asking you to call Dr. Krauch into the witness stand in order to be heard in his own case.

THE PRESIDENT: The defendant Krauch may take the stand.

Karl KRAUCH, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q State your name?

A Carl Krauch.

Q Repeat this oath after me:

I swear by God, the Almighty and Omiscient, that I will speak the pure truth, and will withhold and add nothing.

(The witness repeated the oath)

THE PRESIDENT: You may be seated.

I assume, counsel, that your client has been sufficiently long in the courtroom to be familiar with the operation of the mechanics, and it will not be necessary to warn him, so you may proceed.

DIRECT EXAMINATION

CARL KRAUCH

BY DR. BOETTCHER:

Q Dr. Krauch, according to the suggestion of the Tribunal, you have described your personal career in the affidavit which I shall submit to the Tribunal, together with the rest of my evidence, giving particular emphasis to your gradual rise within the I.G. your scientific work, and your international affiliations, up to 1933. I should now like to ask you to talk about the period going beyond this affidavit, that is beginning with January, 1933. One preliminary question as an introduction.

Q Would you very briefly describe to the Tribunal what the relationship of the I.G. were before 1933, to the respective German governments in power?

A It has always been a tradition of the I.G. to have certain connections with the Government of the day. That can be seen from the fact that many of the Aufsichtsrat members of the I.G. held Ministerial positions in various governments. I can give you some examples.

Professor Moltenhauer was Minister of Economics, later Minister of Finance. Professor Bussol was President of State. Professor Warnbold was Minister of Economics, and the Bruening Government.

There existed a very close relationship between Geheimrat Bosch and Bruening on the basis that Bruening often asked for the counsel of important gentlemen of the I.G.

Q What was the underlying purpose of such relationships and connections?

A The I.G. was a great factor in German commercial policy. A statesman once coined the word: "Without the I.G. and without coal I can have no foreign policy". So far as I can recall it was Stresemann. It was naturally clear that the Government wanted to gain insight into the commercial business of I.G. Farbenindustrie. They wanted to know about the relationship of the I.G. Farbenindustrie to trade factors abroad, and conversely the I.G. was also interested in seeing where the policy of the Government led to with respect to trade and similar agreements. We were here concerned with a mutual exchange of experiences and aims.

Q Thank you very much. That will be sufficient.

Did you have any connections with leading National Socialist circles already, before 1933?

A No, in no way at all, neither in an economic nor social nor political sense.

Q In this connection, would you describe, very briefly, as you told me once before, how in 1932, you were approached with the offer participate in founding a National Socialist news paper?

A In 1932 two representatives of the Heidelberg Kreisleitung

appeared in my apartment, who tried to persuade me to help them in founding a National Socialist newspaper in the area of Rhine-Pfalz, and wanted a certain sum from me, - I think it was 50,000 marks.

As a reason they gave that National Socialism was on the threshold of its rise; the elections had shown that within the next year one could surely count on National Socialism attaining power. It was certain, they said, that people who at this time, in 1932, were assisting National Socialism by monetary contributions would later, accordingly, be gratefully favored by the Government.

I replied that it was just the latter part of their request why I refused to make any monetary contribution; that if I was in need of any consideration and favor, I did not want to pay for it with money, but I wanted to be appreciated on the basis of my own achievements.

In addition, I said that I was not a follower of the National Socialist Party, but of the German Peoples' party, Deutsche Volkspartei, who always had my vote during elections.

Q Thank you very much. One brief explanation in connection with the so-called Gasoline negotiations in November, 1932. Let me remind you that under Paragraph 7 of the indictment, mention is made that the gentlemen, Gattineau and Bueteffisch, had negotiated with Hitler with respect to the question of the production of synthetic gasoline in Munich. Did you participate in these negotiations?

A No, I did not.

THE PRESIDENT: Very well.

BY DR. BOETTCHER: Now we have dealt with the time before 1933; How about the beginning of your affiliations to the new men, who with the 30th of January, 1933, came into power? Who was the first one with whom you established contact?

A The first man was Gottfried Feder.

Q Would you please be good enough to tell the Tribunal who Feder was?

A Feder was a well known engineer, one of the first members of the Party. So far as I know, he was even a member of the Party before Hitler, according to his Party number. After Hitler's accession to power he was the State Secretary in the Ministry of Economics. As such, after the Reich Minister of Economics he was in charge of the business of acting as Official State Secretary.

Q In respect to what matters did you establish contact with him?

A I contacted him through one of his collaborators, a certain Professor Uppelohde of Berlin, who had developed a new process for the production of gasoline out of raw oils and tars. A further associate of Feder was a director of the Berlin-Anhaltische Maschinenfabrik, von Laroche, with whom I repeatedly came in contact when making orders for plants of the I.G. Farbenindustrie. Von Laroche drew my attention to this new process and asked me to give my opinion on the possibility of producing, - or of developing and executing this process.

Q Dr. Krauch I think that may perhaps be going a little too far. Perhaps you will be good enough to explain the essentials of the negotiations with Feder.

A Yes. Von Laroche asked me to tell State Secretary Feder about the misgivings I had about this process, and this brought me to my first contact with Feder. I could convince Feder that this process was not as yet technically workable.

He mentioned that the government was interested chiefly in realizing the plan of obtaining work for the many unemployed, and was interested in developing new plants which would enable them to employ workers.

Q You then talked about the gasoline negotiations of November, 1932?

A Yes.

Q How did they go along?

A Feder asked me whether it would be possible, upon the basis of

the hydrogenation process of the I.G. Farbenindustrie, to embark upon a larger production of gasoline. I told him that the gasoline production of Leuna had to be limited to a certain production of 100,000 tons for financial reasons.

Feder then asked me whether it was technically possible to increase that production figure. I admitted, off-hand, that there was such a technical possibility, but I drew his attention to the fact that it would involve a large financial risk for the I.G. The I.G. had had a large amount of expenses when working out the hydrogenation process, and for that reason they had decided to leave production at a technical level of 100,000 tons, which could be coped with according to the experiences made.

Personally, I said that with the increase in production, technical difficulties would arise which would increase costs of production.

Q Will you please pass on to the final result of these negotiations?

A Yes. The final result was the following. We suggested the idea of a certain profit guarantee which was equal to the development costs. I must explain that. If in the case of production of 100,000 tons, we calculated for instance 24 pfennigs, individual cost, production cost. Then in case of a higher production than a hundred thousand tons, we had a production cost of 28 pfennigs, for instance, a profit should be guaranteed to the plant.

In addition, it was provided that the turnover would be guaranteed to the plant in the very same way which, in the case of I.G., was really not necessary because the I.G., on the basis of their Standard Oil contracts, had received a guaranty given by the Standard Oil sales company, according to which all their hydrogenation products would be sold by the sales company of the Standard Oil in Germany.

Q. Did you see something unusual in that contract?

A. No, not at all.

Q. Could you give me brief reasons for that? Could you perhaps give me examples from other countries?

A. It was general usage. A typical example would be the protection of nitrogen production in various countries. Every state had an interest in developing the production of nitrogen at home and to maintain a current sale, to guarantee certain prices to the plant and to protect them in the competitive battle which was going on with respect to nitrogen import from other countries where nitrogen was perhaps a little cheaper to produce.

Q. Would you briefly describe whether this negotiation was in connection with military economic problems?

A. In no way at all.

If I may add, negotiations were carried out with representatives of the Bruening Government in 1932 who also were interested to get at higher productions in order to create more work for the unemployed. Such negotiations were only interrupted by the change of government.

Q. Who signed the contract on behalf of the I.G.?

A. The contract was signed by Professor Bosch.

Q. Let us leave this subject for the moment.

Would you please name other gentlemen of the National Socialist Government with whom you had contact in 1933?

A. I must mention Erhard Milch.

Q. Would you please describe to the Tribunal who Milch was?

A. Milch, before 1933, was the Director of the Lufthansa, an organization of civilian aviation. During the first World War, he had been a flier. Goering, after Hitler's accession to power, made him

under Secretary of State of the newly created Ministry of Aviation.

Q. Who brought you into contact with Milch?

A. In August, 1933, I received a letter from Dr. Voegeler, the General Director of the United Steel Works (Vereingte Staalwerke) whom I had known for some time. He was one of Professor Bosch's friends.

Q. You established contact with Milch. Would you please give us the purpose and the sense of that meeting?

A. Voegeler had a number of questions to discuss with Milch in the field of iron and Milch also asked him to inform him on questions of German gasoline production. Since Dr. Voegeler was not really an expert in this field, he asked me to participate in this negotiations far as oil was concerned.

Q. Upon what was Milch's interest based when putting questions to you?

A. Milch mainly discussed the problems of the procurement of labor. He discussed the possibilities within the large scale program of the government to try to find as many solutions for new problems on as many spheres as possible. He wanted to know of me to what extent the work of the I.G. had progressed and how I would judge that progress.

Q. The Prosecution document alleges that Milch asked you for a memorandum?

A. Yes, that is correct.

Q. Would you please briefly refer to the content of that memorandum?

A. Milch directed the question to me "In what way it may be possible to include mineral oil production into the work program of the Government?" I told him that that was possible. I said that the limits of the mineral oil program were determined by the capacity of the machine industry. Milch asked me, up to what production level one could get at within a certain number of years. I replied that I would recommend to let oil imports remain at the same level as it prevailed during the last few years, which was approximately one million, and with respect to the increased need, as a result of the extension of machine production in Germany, our own production should supplement the difference,

I arrived at a figure of approximately 1.8 million tons which had to be produced in addition. This production was attainable within approximately four years, according to the capacity of the machine industry which I mentioned before. In addition, I had calculated that 70,000 workers would be employed through that method during that period.

Q. Did you realize your ideas?

A. No, not at first. I received a letter of thanks from Milch in which he acknowledged the receipt of my memorandum.

Q. That was in 1933. In this connection, let me remind you of a further contact with Milch and a further exchange of correspondence, from the middle of 1935. This correspondence has been presented by the Prosecution as Exhibit #138, Document Book 6, English text page 16, German text page 24. Would you perhaps be good enough to look into this correspondence and to comment upon it briefly. Since the documents have been presented from the point of view of incrimination and from the point of view of waging an aggressive war, you will perhaps be able to use them and give us a basic explanation with respect to them.

Do you have the document before you?

A. Yes, I have it. It's Exhibit 138.

In this letter Milch expresses his thanks at first, referring to a reception which was given to him on the occasion of his visit, and later discusses an intended meeting with Goering to which he particularly invited me. He said that Goering had the intention to talk about the technical development of timber in which he was particularly interested as Reich Minister of Forestry. That meeting, however, did not take place and I never again heard of it. He goes on to speak about a Maconine process, which was a French gasoline process which was offered to him and about which he wanted my opinion. The last point refers to the request to have experimental material or lecture material for his officers since he wanted to start technical instructions with respect to the various hydrogenation processes, whether it was I. G. or Fischer or other processes.

Q. Now, Dr. Krauch, you will probably remember that this letter was submitted to you and it was connected with your knowledge of aggressive intent. I should like to ask you to define your attitude towards this document and other similar documents basically?

A. I never considered the rearmament program of the government in the light of an aggressive war. At that time, general opinion prevailed, and there was a certain political justification for it, that Germany was seriously threatened by Bolshevism. Considering this point of view, in other words I considered rearmament of the Wehrmacht and the Government as a measure for a defensive war.

Q. It is important for us to have you give us an all-comprising picture, and perhaps at the beginning of your examination you could group the facts on the basis of which you are considering the material which was submitted by the Prosecution against you.

A. First of all, I could not possibly be informed about the measures of foreign policy which were perhaps connected with aggressive intent by the Government since I did not belong to the circles to whom Hitler confided his ideas. It was another consideration that I considered the waging

of war by Germany, on the basis of its geographical position and after the experiences of the first World War, as absolutely untenable. Another argument is that a large number of measures, which perhaps have been executed upon my instigation, are absolutely incompatible with the idea of any intended aggressive war. Yet another argument is that it was always my attitude that the Four Year Plan represented a plan which would have even come into being if there was no rearmament whatever. Its main purpose, and you may even say its only purpose in the final analysis, was the settlement of the currency balance.

DR. BOETTCHER: Your Honor, I think it would be advisable now to hear Dr. Krauch about details of foreign policy. Since, however, certain subjects have been divided in order to expedite the trial and in order to avoid repetitions, this subject will be dealt with by another gentlemen from the Defense. I shall, therefore, only limit myself to these brief questions. I shall now continue by going to discuss with Dr. Krauch his further personal career and development.

THE PRESIDENT: Very well.

BY DR. BOETTCHER:

Q. How about further contacts with men close to the National Socialist Government?

A. General Liese should be mentioned in this place/

Q. Who was he?

A. General Liese, at that time, was the Chief of the Army Ordnance Office.

Q. How did General Liese come to you?

A. General Liese was an acquaintance of Professor Bosch and he made his acquaintance through Baron von Lersner.

Q. And who was Baron von Lersner?

A. Baron von Lersner was a very close associate of Professor Bosch. Professor Bosch met him on the occasion of the Peace negotiations at Versailles, which Lersner headed as President of the German Peace Delegation. Bosch was sent as advisor to the negotiations by the German Government as

advisor for economic questions.

Q. Very well. Would you give us quite briefly the contents of your negotiations with General Liese?

A. General Liese visited Professor Bosch in Heidelberg and on this occasion Bosch asked me to show Liese round the Oppau plant of which I was in charge at that time.

Q. How about further connections? I shall now mention the name Dr. Schacht. What was Schacht's position at the time?

A. Before Schacht became Minister of Economics, he was President of the Reichsbank at that time. In that capacity he had to take care of the foreign exchange balance.

Q. Why are you emphasizing the foreign exchange balance?

A. Schacht was naturally interested in gaining a survey of products which would alleviate the foreign exchange balance difficulties through our own production at home.

Q. Since when was the German foreign exchange balance in difficulties?

A. That was already the case in 1930 after no foreign exchange was at the disposal of the government to cover their imports.

Q. And what were the ideas with which Schacht approached you?

A. It was Schacht's intention to increase German mineral oil production in order to obtain an alleviation on that score.

Q. In other words, it was the same idea which Milch had already advanced?

A. Yes, it was always the same question. Milch talked to me from the point of view of procurement of labor, whereas Schacht approached me on financial considerations. The question of the country's home production.

Q. Why did Schacht particularly approach you?

A. Schacht perhaps knew that I was rather well informed in the field of chemical synthesis, of nitrogen, gasoline, Buna and similar products, and for that reason, wanted to obtain my judgment.

Q. Did he have any precise ideas? Did he think of forming a certain company?

A. Yes. At that time, he was thinking of a company for the exploitation of soft coal.

Q. Do you know the name?

A. Yes, that is Brabag which was later formed. Soft coal-gasoline Aktiengesellschaft. Braunkohlen-Benzin Aktiengesellschaft.

Q. According to what processes was this company to operate?

A. This company was to adopt various processes. They were to adopt the Fischer process and also the process of the I. G. Farben.

Q. When forming the Brabag, were there any abnormalities at its foundation?

A. Yes. At that time, a number of legal provisions were made which were unusual.

Q. Could you characterize these provisions quite briefly with a catch word?

A. The catch word is "Pflichtgemeinschaft", a combine of duties. This law provided that the state could found corporations in the field of soft coal and that enterprises active in that field were combined to duty combines.

Q. And was the I. G. in this way also forced to participate in Brabag?

A. Yes.

Q. Do you perhaps know to what extent the I. G. had to participate?

A. Yes, 13%

Q. Why just 13%?

A. That corresponded to its soft coal property in Central Germany and to that proportion it had to enter the company.

THE PRESIDENT: The Tribunal will at this time recess for its morning recess.

(A recess was taken.)

THE PRESIDENT: Mr. Marshal, the Tribunal sees no reason whatever why the guards at the door and at the witness stand should remain standing during the time the Tribunal is in session. You are authorized to provide those guards with chairs and to notify their superior officer accordingly.

THE MARSHAL: Yes, Your Honor.

THE PRESIDENT: You may proceed.

DR. BOETTCHER: (Counsel for defendant Krauch): Mr. President, may I briefly, before I continue with the examination of Dr. Krauch, say something on the question of the English translations? We handed in the document books on time, but the preparation of the English translation is outside our influence. I would therefore be grateful if the Tribunal could expedite the translation.

THE PRESIDENT: The Tribunal has already made its disposition known to the proper agency and we are hopeful that we will not be troubled too much in that regard. If we are, we will renew our representation.

Thank you, Doctor.

DR. BOETTCHER: I shall now continue with the examination of the defendant Krauch.

DIRECT EXAMINATION (Resumed)

CARL KRAUCH, Resumed

BY DR. BOETTCHER:

Q. Dr. Krauch, to refresh your memory, we were just speaking of the foundation of the Brabag Soft Coal & Gasoline Company, and we were discussing the fact that this company was a typical example of the compulsory organization. You said that by order of the government that it was established, and that I.G. was obliged to participate.

Please look at Exhibit 517, in Document Book 26, English page 45, German page 81, and tell us what this document indicates regarding the legal obligation to participate in the formation of the company, as alleged by you. I drew your attention to page 9 of this record.

A. Yes.

Q. Please tell us what you find there?

A. In the second paragraph from the end I find the companies represented by us on a basis of the regulation regarding economic compulsory soft coal combines, Reich Legal Gazette of 28 September, 1934, part 1, page 663... become members of the compulsory organization. "Together with the Reich Commissioner appointed by the Reich Commissioner of Economics, Reich Bank Director, Dr. Deuser, according to the first regulation will be Reich Commissioner for a joint stock company which is to be created; we met in order to set up the joint stock company mentioned in paragraph so-and-so."

You see that a Reich Commissioner was appointed for this compulsory combine.

Q. Let us go on to discuss your personal position in Brabag. What were Schacht's suggestions regarding your activity in this company, for you personally in the beginning?

A. Schacht asked me to join the Vorstand of this new company.

Q. Did you do so?

A. Yes.

Q. What were your motives for doing so? How did Schacht explain his request?

A. Schacht told me that he would consider creation of this soft coal company was very much favored by the Party, an attempt of the party to assume control of the business; in order to prevent this and to preserve the initiative of business, he asked me in order to create a counter-balance to the efforts of the party, and, as a business expert, to join the Vorstand. Schacht explained to me that he was fighting against injection of elements into business by the Party and asked me to work to this effect.

Q. Can you give examples from the period after 1933 in which such Party and State efforts were realized?

A. Yes.

Q. Will you please give us an example?

A. A typical example is the Hermann Goering Reich Works Corporation.

Q. Can you briefly describe this organization?

A. The Hermann Goering Works were created by the government in order to make it possible, from inferior German iron ore, to establish their own production of iron. There was difficulty with the iron industry because this process had not yet been proven to be economic. The government had founded the Hermann Goering Works, which were now trying to incorporate all other branches of industry. The obtaining of money was of no importance with this company as it was with private business. Since the state funds were available.

In later years, as the misgrowths of such organizations had been recognized, such State works were returned to private hands.

Q. Thank you; that is sufficient for our purposes.

Now, what was your activity in the Vorstand of the Brabag?

A. As a member of the Vorstand I was concerned with the construction and expansion of the plants. Since I could not do so personally, I called in a number of good chemists and engineers who were known to me. I brought them into this company and they built up and later directed the plants.

Q. What compensation did you get for your work in the Brabag Vorstand?

A. None.

Q. Dr. Krauch, will you please wait before answering?

Did the Aufsichtsrat of the I.G. know that you had taken over this position?

A. Yes—not the Aufsichtsrat; I beg your pardon, it was the Vorstand.

Q. Did the Vorstand know about it?

A. Yes.

Q. Did the Vorstand approve your entering the Vorstand of Brabag?

A. Yes.

Q. How long did you work in the Vorstand of the Brabag?

A. Until the year 1937.

Q. Why did you terminate your connection with the Brabag Vorstand?

A. I wanted to avoid conflicts of interests. I had already entered the Four Year Plan and in this position I wanted to be free from the politics of various economic groups.

Q. This activity in the field of synthetic gasoline production is specially charged against you by the Prosecution in connection with the creation of Vermittlungsstelle W. Will you please comment on the sense and purpose of Vermittlungsstelle W?

My first question is, how did the Vermittlungsstelle W come about? How did it develop?

A. In 1929 I became head of a Sparte in I.G. Farbenindustrie. It was customary for the head of a Sparte to take an interest in financial matters in this Sparte. In Sparte 1 conditions were such that the main calculation office and the sales machine were in Berlin. The nitrogen syndicate had its seat in Berlin. The Deutsche Gasoline and other big companies like Standard, and Shell participated in this, and were also located in Berlin. And then the main calculation office of the Sparte was also in Berlin. Conditions were different here than in Sparte 2, where Dr. Ter Meer was the head of this Sparte. Dr. Ter Meer had his sales department and main calculation office in Frankfurt and therefore had his own office in Frankfurt. I had to divide my time as technical director of the Oppau plant. I spent half a week in Oppau, and as Spartenleiter I spent the other half in Berlin. Therefore, I had to keep up two offices, one office in Oppau Ludwigshafen and one in Berlin. Both were called the Krauch Office.

Later, in 1930-31-32, I had a great deal to do with the Finance Ministry and the Ministry of Economics regarding customs declarations concerning the gasoline. I often had to be in Berlin for extra negotiations. Therefore, this office, the Krauch Office, became a sort of mediation office, and the Vermittlungsstelle-the word was created by the Finance Ministry, I believe,-in order to contact me so that I would be present for necessary negotiations.

Q That was a sort of personal mediation office of yours?

A Yes.

Q Now, what happened after 1933? How did the Vermittlungsstelle come to be, of which the Prosecution speaks?

A After 1933 inquiries of the government multiplied the requests for statistical material for economic planning, so that the Vermittlungsstelle was called upon more and more to do this sort of work. It was not necessary at that time to call the technical men to Berlin from the various plants to answer such inquiries. The Vermittlungsstelle passed on the inquiries to the plants; the plants sent the answers to the Vermittlungsstelle, which sent them to the Ministry which had made the request, e.g. the Reich Office for Statistics or others.

Q In this connection, Exhibit 101, Document Book, 5 English page 80, German page 82, is considered especially incriminating against you. Will you please comment briefly on it? You no doubt have the document.

DR. BOETTCHER: Just a moment, please. I have just been informed by Dr. von Moltzer that neither Statistical Reich Office nor Ministry of Economics was translated when referring to the requests for information which were passed on by the Vermittlungsstelle. I should merely like to point this out for the record.

Q I shall repeat my question, Dr. Krauch. The Prosecution has offered this letter of 5th of September 1935 Exhibit 101, Document Book 5, English page 80, German page 82, as especially incriminating regarding knowledge and promotion of a war of aggression. What do you have to say about this document?

A I see in this document a circular letter sent to all the plants under Sparte 1. Special emphasis is given to the importance of defense economy and defense-political questions. The date is September, 1935. This was in connection with Germany's rearmament, which

I do not attempt to deny in any way. Surely it was well known, and the government made it known to other countries in speeches and negotiations. But rearmament does not imply the intention of a war of aggression. I believe in other countries similar efforts were under way at the same time, so that was no doubt a world-wide phenomenon.

Q Do you know that other German concerns had similar arrangements in Berlin?

A Yes, I know that.

Q Can you give an example?

A The "Vereinigte Stahl Werke" (United Steel Works,) for example, kept up a similar office in Berlin.

Q Now, what was the practical work of the Vermittlungsstelle please, very briefly, since in the Prosecution case we have already dealt with this question?

A I touched upon that question briefly a while ago. Inquiries of government offices were sent to the Vermittlungsstelle which otherwise were sent directly to the plants, and the man in charge of the field knew this subject best, and they were passed on to the plant concerned. Previously it had been customary that the technical experts were called to Berlin by the government agencies. Then often it was not the right man, as the government agencies, of course, did not know the various men concerned. Now this whole contact was much more certain and much simpler. Unnecessary trips were avoided, and the questions were answered more correctly and more exactly.

Q Did the Vermittlungsstelle, within the framework of the organization of I.G., have any independent activity? Did it have any power to conclude business agreements, and so forth?

A No, certainly not. The Vermittlungsstelle was an office subordinate to the Sparte office which had nothing to do, except to receive and pass on letters, as a witness had testified here. It could not make any independent decisions.

Q The Prosecution has called you the head of the Vermittlungsstelle.

Will you please comment on that?

A I believe there are a number of offices—perhaps several hundred—under this Sparte. The Vermittlungsstelle was one of these. The Vermittlungsstelle was not directly under me, but, as I said before, it was under the Sparte Office.

Q Then the statement of your colleague Dr. von Schnitzler, calling you the head of the Vermittlungsstelle, is not correct?

A Yes, it is not correct. No doubt von Schnitzler as pure business man was not as well informed of matters within the Sparte as he might have been as a technical expert.

Q In this connection a charge is brought against you and other defendants that the Vermittlungsstelle carried on espionage activities. I should like to know what you have to say about this.

A Of course that is in no way true.

Q Will you please repeat your answer?

A That is not true. The Vermittlungsstelle never had anything to do with espionage.

Q Please describe how the Vermittlungsstelle was involved in observing certain precautions of secrecy, and answer the question whether the preservation of these secrecy regulations involved espionage?

A The legislation at the time for treason had been greatly increased in severity so that there was a great uncertainty in industry about experience, and so forth, which had to be given to foreign countries on the basis of existing contracts. As a result of these severe laws there was a constant effort made by all concerned before any such step was taken, to obtain security from some government offices, as protection. For this purpose, patents which were to be made public and similar measures were submitted to the government offices concerned, beforehand, to get some sort of a statement from them that they were harmless. The Vermittlungsstelle was also used for such purposes, simply had to send on the inquiry and their answer.

Q. Will you just say a few words as to whether in your knowledge the Vermittlungstelle carried on any active espionage activities?

A. I believe that I have already answered that. No, in no way. It had nothing to do with espionage.

Q. Thank you. Another point. The Prosecution charges that I.G. Farben - and that includes you - on its own initiative prepared mobilization plans, air raid precautions and air defense measures. The Prosecution emphasizes, that, "on its own initiative," - that is, I.G.'s initiative; what do you say about that?

A. That is not at all true. Industry had no interest in getting up such plants, which merely meant a great deal of work. Industry was interested in postponing such plans as much as possible. Very soon, however, it was brought to the attention of industry that this was to the interest of defense economy, and it was emphasized that certain measures in the United States, for the so-called economic mobilization of the United States.

I myself once had an opportunity to talk to Major Hesse, the War Scientist of the German Army about this matter. He sent me some publications which had, in part appeared in German newspapers. I remember one article in an economic paper, called, "Der Deutsche Volkswirt", in which this American work was discussed.

I talked to Major Hesse about how unnecessary I considered such plans and work, and to my great astonishment I found in these publications a confirmation of what he had told me, that is, that long before that time, exactly the same things had been done in the United States; air raid precautions, air corps mobilization, and transfer of factories; stock-piling of material; exactly the same demands which were made of us by military economy.

Q. Very well. Now will you please comment on whether these German regulations about mobilization plans, etc. were designed specifically for I.G. Farben or whether they affected all of Germany's industry?

A. Of course; they affected all of Germany's industry.

Q. Did the instructions come through the Reich-Group industry, and other big economical operations?

A. Yes, Reich-Group Industry was included.

Q. In this connection I should like to call your attention to a document which was submitted by the Prosecution as Exhibit 493, Document Book 22, English page 93, German page 117; if you will look at this document, please tell us to what extent this Prosecution document confirms what you have just told us?

A. Dr. Boettcher, may I ask you which page you mean? This is a very big document.

Q. Page 131.

A. That page is not in my Document book. It begins with page 147.

Q. Just a moment; will you look at my copy?

A. Yes; the pages are different here. I shall quote:

"Special significance in war was the field of air raid precautions, the basic idea of which was for industrial plants to protect themselves against air raids. As early as 1929, this was taken up by the head organization of industry, and in the following period it was developed further."

Q. That is sufficient. Now will you please tell us very briefly where this quotation comes from? Look at the first page.

A. Reichsgruppe Industrie. Its chief business-manager sent a memo to industry.

Q. This is a memorandum then.

A. Yes.

Q. Now we shall leave this subject. We have come to the year 1935. You had personal connections at this period with the ICI. Please describe these connections, and tell the Tribunal first of all what ICI means?

A. That is the Imperial Chemical Industry, that more or less corresponds to I.G. Farben in Germany. I.G. had long had connections with this

concern, and had a number of agreements with it in various fields.

Q. Now, what special interests were there in the year 1935 which brought I.G. and ICI together?

A. The connections in this field, so far as they affected me personally, had become evident much earlier. In the field which you have indicated, -- that is hydrogenation, -- I met some gentlemen of ICI in New York. The Standard Oil men had brought to my attention that some members of the Executive Committee of ICI, were in New York at the time, and they asked me to talk to these gentlemen about some wishes which these gentlemen had in the field of coal hydrogenation.

Q. When was that?

A. That was in 1929. I was in the United States because of some negotiations with Standard Oil. The men of ICI told me that they had undertaken numerous experiments in the field of coal hydrogenation and that they had developed a process of their own. In consideration of the great experience and knowledge of I.G. Farben in its field, they would consider it desirable if there could be an agreement reached between I.G. and ICI in the field of coal hydrogenation. Since the men of Standard Oil placed a special value on having friendly relations in this specific field between I.G. and ICI, we agreed.

The consequence was that very soon after my return to Germany, the technical experts of ICI came to Germany, and consulted our experts in the field of coal hydrogenation, at which I was also active. On the basis of these consultations, the coal hydrogenation plants in England were planned on the basis of hard coal plants. We had been working with soft coal, and the English studied this field especially. The factory was constructed in collaboration and went into operation in Billingham in 1935.

Q. Could you please say a few words about the National Economy interest England had in this coal hydrogenation process?

A. It was quite characteristic that the gentlemen at that time had

to deal with the same problems which confronted us in Germany, that was the matter of creating employment. The English Government was supporting such projects at the time to get the necessary work for the unemployed.

Q. You have described how the plant was initiated; it is perhaps interesting if you can tell us a few words about the participation of prominent men from International Oil Industries?

A. It was in the fall of 1935. There was an opening ceremony for this factory. A number of international personalities were invited. The coal hydrogenation man, Bertius was present. From I.G., Dr. Pier and myself. Both important men of the Shell concern, Sir Henry Deterding, and Kessler the present head of Shell and a man from Standard Oil, the presiding body from Anglo-Persian, the English Oil Company, which was owned 50 percent by the Government.

Then prominent representatives, the English Ministry of Aviation, the Army and the Navy; representatives of Parliament were present, etc.

Q. Could you say a few words as to whether this plant had any significance for England for foreign exchange and defense economy reasons?

A. That was specially considered since this plant especially produced aviation gasoline, for which hard coal hydrogenation was especially suitable. We in Germany had up to then worked only with soft coal which did not give gasoline especially suitable for aviation gasoline.

Q. What was the capacity of this plant?

A. 100 to 150 thousand tons.

Q. Annually?

A. Annually, yes.

Q. How does this compare with Leuna?

A. I said before that Leuna was adapted to a production of 100 thousand tons, and then on the basis of the new contract, was increased to 350 thousand tons in the course of time.

Q. Were any other such factories established in England?

A. During the war particularly, government factories for the production of synthetic gasoline were built with the aid of ICI Technical experiences.

Q. Let us leave this subject, and I should then like to discuss with you briefly, discussions with representatives of Standard Oil in the same years. Do you have anything to say about that?

A. Yes we had concluded an agreement with Standard Oil for the utilization of the coal hydrogenation process, especially concerning foreign countries. In the meantime, technical experiments and scientific knowledge had constantly increased, so that it was necessary to hold meetings at regular intervals with the important men to exchange experiences, and to discuss licensing and expense of the process, etc.

In addition there were also constant visits of the Standard Oil technicians in Germany with many of our own chemists as well as engineers working in the United States, in order to test the new processes and put them into operation there.

Q. Was this exchange of experiences carried on without interruption by Government, or without intervention by Government?

A. No doubt there were objections. It was said that Germany was giving its economical knowledge to other countries, but whenever government agencies approached us on this question, we were able to convince them that it was important for international trade policies, to have a certain exchange of experience and research on scientific and

technical questions, with other countries, to that in exchanging experiences with other countries, we had practically no objections from the government.

The contract was able to remain in force as it had been planned in normal times until the beginning of the war.

Q. In addition to Standard Oil there is another concern which is of some significance in the field of oil, and that is Shell. Can you very briefly describe the connections with this concern during the period up to the outbreak of the war?

A. The connections were exactly the same as I have just described in the case of Standard Oil, especially after an agreement had been reached between Standard and Shell on the use of the hydrogenation process.

The Shell technicians also visited our plants and our technicians visited Shell plants. There was exactly the same collaboration as with the men of the Standard Oil. The third partner was the Anglo-Persian. These men also visited us and collaborated with us.

Q. Now there is another big oil producer; that is the Russians. Have you anything to say about them?

A. The Russians sent a commission in the year 1934, the beginning of 1935, to Germany, and I had to negotiate with them. I knew the Russians somewhat from before, from negotiations in the nitrogen field and also discussions of dye stuffs. In these important fields Russia had desired a close collaboration with I. G. Farben in the expansion of the Russian Chemical Industry. In the field of hydrogenation also members of the Russian trade delegation came to me at Oppau and then on behalf of the big oil companies, particularly for the working out of new projects, I dealt with them, for, according to the contracts the approval and the technical working-out of projects was up to us.

There were various visits to Berlin to see the Russian Trade Delegation, and I suggested to Russia the visits of certain plants to aid them in the study of the Russian Oil Industry, but then the German

Government made difficulties. The members of the Russian Trade Delegation with whom I had gladly negotiated, were suddenly called away from Berlin. I noticed that especially, because on the next day, I was invited to visit these men, and one hour beforehand, I was informed that they had left for Moscow. That was the end of the negotiations with Russia.

They were resumed only after the agreement of Hitler with Russia in 1939, which resulted in an economic agreement with Russia. Then the men of Russian Oil industry appeared in Germany, and I again had to negotiate with them about new gasoline processes, analytical processes etc.

Q. Thank you. What other scientific interests for the purpose of industrial exploitation did you have in the years 1933 to 1936? I want to sum it up very briefly so that we do not go into too much detail in this field. I am thinking specifically of your work regarding fatty acids, cancer diagnosis, epilepsy cure and iso-buthyl alcohol.

To shorten the explanation, let us consider only the question of iso-buthyl alcohol; the other matters which I have just mentioned, epilepsy, cancer diagnosis, etc., have nothing to do with an intention of a war of aggression even in the eyes of the Prosecution.

A. In the field of the production of higher alcohols, which are especially important for solvents and lacquer industry, I was able to work on the synthesis of iso-buthyl alcohol with Dr. Hoeschwander and we found a process by which this alcohol could for the first time be produced in satisfactory amounts.

Q. What significance for military economy did this substance have. I believe you called it iso-octane once?

A. With the synthesis of iso-buthyl alcohol, we were in a position to obtain the iso-octane that you just mentioned, and which was in great demand. We were able to produce it synthetically. The significance of iso-octane had been recognized in America as a very

important ingredient in gasoline which would produce highly valuable aviation gasoline.

At that time there had been no way of obtaining this substance in large quantities, as it is available only in very small quantities in natural gasoline from petroleum.

We succeeded in producing iso-octane from iso-butyl alcohol. This work was interesting enough for the Standard Oil and Shell men, and they showed interest in it immediately; they were informed of our experience and efforts. With the aid of this catalytic process which we had discovered, the men of the oil industry were then able, from certain gases to obtain iso-octane by the use of the same catalysts.

Q. When was this work finished?

A. Do you mean in the United States or by us?

Q. No, your work with Dr. Hochschwander.

A. We worked out the process, and at the request of German Aviation we made certain quantities available, and the request was very soon made that we establish large scale production in this field. That was probably in 1937. As the man responsible at the time, I refused to plan such a production, because for normal peacetime, despite the great significance of this material for aviation, I did not think the process practical, and it might be possible to import the substance from abroad.

In America, iso-octane brought about great development. So far as I know there were seven big factories built during the war for this purpose which supported the allied aviation in an excellent way.

Q. Now in the period, negotiations also took place with foreign license holders, in the field of nitrogen and hydrogenation -- I am speaking of negotiations with foreign licenses -- have you anything to say about that?

A. Applications for licenses, after the hydrogenation

process had become known were received in large quantities, and we spent a great deal of time in planning these plants.

Q. Can you mention any countries from which such license applications came to you?

A. They were countries which did not have petroleum resources of their own. I shall mention three large ones, South Africa, Australia, and China; also other countries which did not have their own petroleum industry.

Also in the field of nitrogen there were more and more countries trying to obtain their own production and they wanted to take advantage of the experience of I. G. Farben, and build their own factories for nitrogen production with the aid of I. G.

Q. Were such agreements concluded?

A. Yes.

Q. THE PRESIDENT: Dr. Boettcher, the Tribunal will at this time arise for recess until one-thirty.

(Tribunal VI in recess until 1330 hours)

AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: In regard to the question that was propounded to the Tribunal this forenoon by Dr. von Metzler. The Tribunal at this time would call the attention of Counsel to the statement made by the prosecution on October 28 and found at page 2894 in the English edition of the transcript in which the prosecution stated its position with respect to the conspiracy aspect, Count V of the Indictment. In view of the statement made by the prosecution and the further fact that a specific motion is pending as to the sufficiency of the evidence to sustain Counts I and V as well as parts of Count II, the Tribunal would like to ask Counsel to permit the matter to pass temporarily in the hope that the matter may more or less solve itself in the course of a very short time.

Is that satisfactory, Dr. von Metzler?

DR. VON METZLER: One moment, sir.

That would be entirely satisfactory to us.

THE PRESIDENT: Thank you.

Then, Dr. Boettcher, you may proceed with the examination of your client.

Dr. Boettcher, we have before us a list of the Prosecution's Exhibits about which you propose to interrogate the defendant Krauch. We assume that you would not be expected to follow these exhibits in the order in which they are listed on the paper, but that you may take them up in some different arrangement. If it would be possible for you to indicate by groups, from time to time, the exhibits that you are approaching, it might help us if we had time sufficient to send out and bring in our document books. Perhaps that is not practicable but we offer the suggestion that if you can tell us in advance that you are going to certain designated books we will have our page bring in our document books and we can follow your examination very closely as it relates to the exhibits.

DR. BOETTCHER: Your Honor, this list has been compiled by me according to the sequence of the exhibits and I use that list according to the subjects

I intend to bring up. At the moment I don't know how I can be of assistance to the Tribunal. I shall have to consider this.

I beg your pardon, could I consult with my colleague for one moment?

Your Honor, during the three o'clock recess I shall make a compilation according to what sequence the documents will be submitted, if I can be of assistance to the Tribunal in this way.

THE PRESIDENT: If you could do that without assuming too much of a burden it would be very helpful to us. We make the same suggestion to other counsel when they go to examining their clients or witnesses, if they can arrange the documents in such order that we can have an opportunity to have our books brought in, we can follow the examination a little better.

You may proceed as you had planned to the recess and then handle the matter as you think best, Dr. Boettcher.

CARL KRAUCH - Resumed

DIRECT EXAMINATION - Continued

BY DR. BOETTCHER:

Q. Dr. Krauch, before the recess we had finished the sphere on which I was questioning you so that I can start with a new point without making a summary.

We have now arrived at the year of 1936 when the government approached you for the first time requesting you whether you could not be of assistance in the building up of the state economic organization and whether you would be prepared to accept a position in that capacity. Would you please describe briefly how it came about and, with a few words, will you please explain your motives?

A. It was April, 1936, when I was approached by a man who, up to that time, had been unknown to me and whom I had only known after social contacts. I think his name was Colonel Loeb who asked me to meet him during my first visit in Berlin since he had to pose a number of questions of interest to me.

Q. What was the name of that man again?

A. It was a Colonel Loeb, the function of whom I did not know up to that time. I met him in Berlin and he acquainted me with a plan which he had

previously discussed with Goering.

Q. In order to enable the Tribunal to understand this matter very easily will you please explain what had happened between Goering, Darre and Schacht during the time from 1935 to 1936? In that connection, in order that the Tribunal may understand the context, will you also explain who Darre was, etc.?

A. Darre was, at that time, the Reich Food Minister. Schacht, at the time, was Minister of Economics and President of the Reichsbank, and Goering was the second man after Hitler. Controversies had come about between the Reich Food Minister and Schacht because of the distribution of foreign exchange. As a consequence of the bad harvest of the preceding years, a food shortage had come about in Germany. According to the opinion of the Reich Ministry of Food, it was of urgent necessity that more food was imported into the country. Schacht refused to put foreign exchange at his disposal for that purpose for the simple reason that he just had no foreign exchange. In view of the emergency situation thus existing, Hitler had ordered Goering to mediate between these two agencies.

Q. How did Goering decide this matter?

A. Goering decided in favor of Darre. Very soon after, Goering noticed that the foreign exchange which was made available to food import was not sufficient for that purpose. There were two means to overcome this difficulty. One of them was to increase production of food in Germany. The other to increase export which, of course, leads to a third way and that was imports, which up to that time were necessary for certain purposes in Germany of an industrial nature, were to be substituted by producing indigenous products which, up to that time, had been imported.

Q. Well, why did one approach you?

A. Goering founded a so-called Raw Material and Foreign Exchange Staff in which, as the name already shows, foreign exchange was dealt with and in which it was endeavored to procure foreign exchange for the country which was perhaps available abroad, and it was endeavored to produce out of indigenous raw materials products which, up to that time, had been imported.

Q. Who mentioned your name? Who established the contact?

A. I only heard of it later. Funk, Schacht's successor as Minister of Economics, told me about that in the year of 1942. He said that Voegler, who had connections with Goering, had mentioned my name to him on that occasion. He had mentioned the name of an expert in the field of chemical synthesis.

Q. Tell me about your discussions with Loeb?

A. Loeb explained to me this plan of Goering's which provided that processes were to be developed which would go a long way towards producing products in the country which, up to that time, had to be imported. He presented a plan to me where there was a special department concerning research and development with the organization of which I was to be entrusted.

Q. Did you agree to that proposal immediately?

A. No. I told him that I would first have to get the approval of the I. G.

Q. Who in the I. G. could decide upon those questions? Whom did you ask?

A. At first, I spoke with Geheimrat Schmitz whom I told that the decision whether or not I should participate in this organization was to be left up to Professor Bosch. I only wanted to report to him about my conversations with Loeb.

Q. What was Bosch's position in the I.G. at the time?

A. Bosch was the Chairman of the Aufsichtsrat.

Q. Would you please tell us, with a few words, what Geheimrat Bosch's relation was to the National Socialist regime?

A. Bosch was a recognized scientist - a great scientist. He was the

bearer of the Nobel prize and he was perhaps the most predominant economic leader ever existing in the field of chemistry. He was a man of tremendous reputation and he was respected by his associates. He was a man with superior human characteristics so that all his associates followed him with enthusiasm. Bosch, as I already mentioned earlier this morning, was an associate of Bruening on a friendly basis. He supported in every way Bruening's government policies and, as a result, he had come into a very natural opposition to National Socialism at a very early date. Bruening, of course, was in opposition to National Socialism. The gulf between Bosch and National Socialism was never bridged in the future.

Q. Would you give us briefly reasons why Bosch opposed National Socialism?

A. Bosch was an absolute follower of self-initiative of economy and of science. Bosch feared, with justification, that particularly from the side of National Socialism there would be considerable infringements. He, under all circumstances, favored the maintenance of the independence of economy and science.

Q. Thank you very much. That will suffice with respect to this subject. What was Bosch's attitude with respect to your entry into the Raw Material and Foreign Exchange Staff.

A. Bosch agreed with me and he gave me two reasons. The first reason was the following: Hitler's government here had an opportunity to bring about more work through other channels than through channels of armament. From the earliest date, we in the I.G. Farben had been prepared to support all measures of the former government - the Bruening Government, which would go towards a furthering of peace time production and not a furthering of armament production.

The second reason was that it was to be feared that, as a result of measures adopted by the National Socialist Government, the self economy of industry would suffer since the government endeavored to try to get the leadership of industry into its hands to a greater and greater extent and tried to steer them according to its own interests. There may even have been a third

point which was considered in that connection. The Party program had been announced at that time which provided for a nationalization of the large concerns. From commentaries which were given by propaganda leaders of the National Socialist Party, it had become known that one thought primarily about the nationalization and dissolution of the I.G. Farben industry. Bosch was greatly interested in seeing that not politicians from the Party were put into position of economic importance, but men who know something about the economy and its endeavors.

Q. Did you have any practical examples to the effect that the National Socialist Government was trying to interfere with economy with its measures?

A. I may recall the example mentioned this morning of Bragab. There Schacht asked me to enter into the Vorstand of Bragab in order to resist such endeavors of the government.

Q. Did Bosch want to do a special favor to the Party with having you represented there?

A. Certainly not. On the contrary.

Q. Did Bosch want to further armament and rearmament with your presence?

A. Certainly not. He had told me that we were to support every way which was not the way of armament.

Q. In this connection, you once drew my attention to the fact that especially at that time the production of chemical warfare agents was discussed by Bosch. Would you define your attitude towards this question?

A. In some plants of the I.G. new glasses had been discovered which later gained considerable importance as chemical warfare agents. Bosch, at the time, refused strictly, not only with respect to myself but also to other gentlemen of the I.G., to support military circles in any way in the development of such production. He stated at the time: "We are an enterprise which is to serve the welfare of humanity and not the extermination of humanity. We want to produce pharmaceutical drugs but not products which are to harm and destroy humanity."

Q. In this connection I should like to put a letter to you, dated the 28th of August, 1938. Exhibit 217, Document Book 8, English page 67, German page 67, too. You have written this letter in your capacity as Gebochem to I.G. Farben, Ludwigshafen. Mention is made of an ethylene experimental plant at Sodingen and Lost experiments which are chemical warfare agents. The prosecution could exploit this letter in refuting your assumption that, up to the great war, the I.G. had not produced any war gasses and that there was not a furthering of chemical warfare production. Do you have that letter before you?

A. Yes, I have.

Q. Would you please explain it?

A. It becomes apparent from the content of this document that we are here concerned with an ethylene experimental plant. Ethylene had become an important raw product which was important for the production of synthetics, lubricating oils, etc. Ethylene had been produced from metholated spirits which was not very suitable and new ways of production were looked for. In this experimental plant, by liquidation, ethylene was to be gained from the gas and it was to serve as raw product for various preparations to be produced.

Q. Would you tell us whether this plant was ever put into operation?

A. No.

Q Did the I.G. later start the producing of war gasses?

A After the outbreak of the war the I.G. received orders from the Army Ordnance Office and the O.K.W. to produce war gasses.

Q Your Honor, I am not going to enlarge upon the question of war gasses since Dr. Ambros will predominately deal with that question. This short position of Dr. Krauch at this point will suffice in that connection. Dr. Krauch, you were describing Bosch's motives on the basis of which he advised you to enter into the Raw Material and Foreign Exchange staff. My question -- did Bosch utter these considerations towards other personalities too?

A No doubt he also talked to others of the I.G. Farben industry.

Q Did you agree with Bosch's attitude?

A I was convinced of the validity of his arguments. I went to Berlin in order to tell Loeb that I was in agreement.

Q On the occasion of one of our discussions with respect to this subject, you once initiated the thought that with respect to your motives foreign examples of a similar nature had been of decisive importance. Can you tell us something about that quite briefly?

A In that connection I should like to remind you of the memorandum which I mentioned this morning with reference to mobilization measures in the United States of America. In the case of these measures peacetime planning is being mentioned. In other countries too, like England, it was customary to approach men from industry to give counsel on those questions. I remind you of a speech made by McOwon before the General Assembly of I.C.I. -- a speech which was published in the year of 1944.

Q Who was McOwen?

A McOwen was the president of the Imperial Chemical Industry, the man in the United Kingdom on the same level as Bosch.

Q You just said that he held a speech in the year of 1944, but to what period of time did he refer in his statements?

A The measures which he announced to the Assembly at the time referred to measures of the I.C.I. taken already in the year of 1935.

Q Could you perhaps name a few American people whom you used as an example in that connection?

A Let me remind you of the name of General Johnson and the name of Bernard Baruch. This is the same Baruch who is now working on the international control of the atom bomb and is making proposals in that connection.

Q Now, I should like to discuss the taking over of functions in this Raw Material and Foreign Exchange Staff. What position were you offered?

A I received the task to take over the Department of Research and Development, the Department 3 of the Raw Material and Foreign Exchange Staff. When taking over these duties I asked how long I was to be detained. Loeb replied that it would take from six to eight weeks. I had thought that after this period of time had elapsed I would be in a position to return to the I.G. Farben and that the department as such would continue to be led by another person.

Q The Raw Material and Foreign Exchange Staff did not exist for very long and I should not like to go into it at great length for this reason. I should now like to go over to the next large scale economic organization in which you

became active. My question -- How long did the Raw Material and Foreign Exchange Staff exist?

A The Raw Material and Foreign Exchange Staff existed until October 1936.

Q And how did the development of state economy continue from that period?

A Around that period the so-called Four Year Plan had been brought into being by Adolf Hitler with the execution of which Goering had been entrusted.

Q Would you, with your own words, describe to the Tribunal, very briefly, the meaning and purpose of the Four Year Plan?

A The meaning and purpose of the Four Year Plan consisted of very similar tasks as those of the Raw Material and Foreign Exchange Staff. But practically it comprised all spheres of economy. It was its endeavor to become independent of as many products from abroad as possible in order to save foreign exchange and in order to gain possibilities for the procurement of work.

Q Now, a little survey over the organization of the Four Year Plan, if you please. How many departments were there?

A At the beginning there were approximately twenty departments -- at the end, approximately forty-three.

Q What do you mean by towards the end?

A Shortly before the outbreak of the war and throughout the war itself.

Q Would you please name some of the more important departments?

A The most important department was the Department for Food which was subordinated to the head of the Reich

Nourishment Office which then was State Secretary Baake.

Q Why particularly food?

A Because in this instance it was particularly important to increase production in order to avoid imports.

Q Will you just give us a few instances of other groups and departments within that organization.

A Another important office was Forestry Economy which was under State Secretary Alpers. Another department was Transportation and Channels of Commerce which was under State Secretary Kleinmann.

Q And there were a number of general plenipotentiaries, were there not?

A Yes.

Q Could you name some?

A Yes, There was a general plenipotentiary for iron economy. There was a general plenipotentiary for the Development of motor vehicles. There was a general plenipotentiary for building economy. There was one for coal economy, etc.

Q Who was the top man of the Four Year Plan?

A The top man was Goering.

Q Who issued the directives to subordinated departments?

A He himself issued directives through the Prussian Ministry of State of which he was in charge.

Q What was your position -- what was the position you were offered within the framework of the Four Year Plan?

A I had been offered a position in the Reichsstelle for Raw Materials and Synthetics which was of the same level as my position as departmental leader for research and development. In other words I was entrusted with the very same functions I held in my previous organization.

Q To whom was this Department for German Raw Materials and Synthetics subordinated?

A The Office for Raw Material and Synthetics was subordinated to the previously mentioned Colonel Loeb.

Q But that meant a change of your position, did it not? Didn't you discuss this change with Bosch too?

A Naturally I reported this change to Bosch.

Q And what was his opinion?

A He advised me to continue staying in that position and to carry out that transfer.

Q Now, would you briefly describe the task of the Office for Raw Materials and Synthetics in order to show the

Tribunal what exactly was being done there.

A We first set up a so-called trade budget. That is to say we tried to get at the value of the product which up to that time had used up most of the foreign exchange in import. The second task was to search for processes which were mature enough so that development could be recommended and furthered for the purposes of large scale production.

Q In order to enable the Tribunal to conceive the figures referring to these savings of import, could you perhaps mention some so that they are being practically expressed in this court-room.

A Our task was that, in the case of an import of four to five billions which was necessary for the maintenance of economy, it was tried to decrease this amount down to two or three billions. That was to be done through the production of indigenous products. We were able to determine that on the basis of our studies; this was possible with an investment of nine to ten billions to serve the development of our own industry and which were necessary for certain requirements to go into our economy.

Q Do you perhaps remember by heart a number of figures with respect to foreign exchange savings referring to specific spheres—for instance, textiles?

A Textiles were the bearer of large foreign exchange expenses and here it was endeavored to create products in supplementation of the wool which was being imported — savings of four hundred to four hundred fifty millions were endeavored.

Q How about the foreign exchange savings in the case of import of mineral oils?

A In the case of mineral oils one had to count with figures ranging from two hundred fifty to three hundred millions.

Q In order to name one more figure in conclusion, do you remember any figures with foreign exchange savings with respect to food?

A With respect to food the figures were considerably higher.

There sums ranging over one billion came into question, especially if you consider coal hydrates, fats, etc. These figures could be saved through the developing of fertilizers, etc., through settlement of prices within the country, and so on.

Q Your Honor, I have only mentioned these figures to serve as examples. Further details will be brought to your attention in the form of an affidavit of Dr. Krauch within the framework of my submission of documentary evidence. Dr. Krauch, then you got down to work after you set up the budget, as you said before. How about the practical work. How did that go on?

A On the basis of our experience we knew what the state of the laboratory work was and how far scientific experiments had developed. Some processes were already mature enough to go over into large scale technical production. Other processes, on the other hand, had to be developed some more. We found out where the difficulties lay, where scientific research was still necessary, in order to execute the problem, and we turned to universities, to higher schools of learning. We put certain tasks to them in connection with these problems and asked them to support our own studies. After these measures had been channelized, we established contact with economic enterprises which came into question and entrusted them with the task and asked them whether they were prepared to enter into such studies.

Q Now, will you go over briefly to the practical exploitation of the new products — to the matters of trade.

A Naturally, it was not only important to interest the potential producer in the extension of these new products, but the consumer and the person working with these products had to take an interest in these products which partly were of a different type than those with which he had been working before. For this purpose we formed work combines and, as an example, let me mention rubber where all rubber developing factories were members who had to express themselves about the types of buna, etc., and who, on their part, uttered desires which

concerned the products themselves and the various types -- who drew our attention to difficulties which showed up during the processing, which in turn was passed on to the producer who as a result, in accordance with difficulties which had arisen, would alter the process.

Q In the field of textiles quite new types of products came about. Were they welcome and were they being sold regularly?

A Yes, the industries which developed a new and strong initiative in the light of these new developments, partly caused by the appeal directed by the government to industry, were absolutely prepared to start with the production of these new products. We had far more interested parties than problems to distribute.

Q Did the government interfere in these matters by supporting measures -- by making certain promises to the producers who were concerned with that work?

A Of course the government, after all, was interested, particularly from the point of view of procurement of work, to support such measures and to make the way easier for the producing of such products.

Q Were such supporting measures, like sales guarantees, etc., also granted for absolute peacetime products?

A That was true in the same way as in the case of mineral oil which I mentioned before. There were sale guarantees, price guarantees, help with respect to financing, help with respect to the development by placing material at the disposal of interested firms, etc., etc.

Q With respect to such supporting measures, price guarantees, etc., were you in a position to decide independently?

A No, that was not my task. I only had to point out the new processes and I had to render my judgement whether the proposed processes were mature enough for purposes of development.

Q In connection with your activity in the Office of Raw Material and Synthetics, you were speaking about the care and counsel of inventors. Would you please describe briefly what this was all about?

A Goering, at the time of his speech in the Sportpalast, which had excited Germany considerably, had directed an appeal towards German inventors and towards the German inventing spirit, to support the government by making submissions of inventions with which all these scarcities could be overcome. It was this appeal particularly which had a tremendous success which was not even intended by Goering, as a result of which every other person felt himself moved to submit invention proposals to Goering. Goering, of course, on his own, could do nothing with such submissions and sent them all to the Office for Raw Materials and Synthetics to be worked upon. Naturally they arrived at my department so that I could render judgement on them.

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Q. You were just saying that he sent all proposals. Was any exception made in the case of military-technical proposals?

A. Naturally, proposals in the fields of military technique, new types of airplanes, new ideas with respect to armament, were directed to the newly-created Army Ordnance Offices which had existed ever since the year of 1936, and which had a large scale of associates and who worked there independently on them. We of course received no knowledge of such submissions.

Q. From the point of view of the extent, you mentioned a few figures to me as to how many submissions arrived at your office daily.

A. Throughout these years we had every day an average of from forty to fifty of such submissions which we then had to transmit.

Q. Within the framework of the indictment and the accusations raised against you, the question is of paramount importance as to what extent the Four Year Plan was used for purposes of armament or for purposes of aggressive intentions. In that connection, quite roughly speaking, the question is of interest what the relationship between armament interests were to civilian interests, within the framework of the Four Year Plan.

A. I don't think that you posed the question quite correctly. The products which we were producing were all used in peace time. Partly, one could perhaps designate them with an expression which was in usage in the United States of America: Commercial armament products.

In the economic mobilization of the United States of America, of which we gained knowledge between the years of 1936 and 1937, figures are mentioned which are necessary in the case of war in order to put more measures into effect.

Major Hesse, at that time, asked me how high this figure was or what I believed this figure to be. I had replied at that time that I assumed there are a few thousand products. He was in a position to give me the actual figure basing himself on document which he had, which they arrived at from the experiences of the First World War. Over 700,000 different products were mentioned, in effect, of which more than half were so-called armament products of a trade usage to which belonged rubber, textiles, and other products. In other words, products which we produced within the Four Year Plan have to be counted with the latter category.

Q. Did I understand you correctly to say that a limitation between armament necessity and peacetime necessity within the Four Year Plan was not even executed and could not have been executed because, as you stated, many products which were discussed in the Four Year Plan were necessary in the same way for peacetime usages?

A. That is exactly what I meant.

Q. Now, one last question to conclude the subject of the Four Year Plan. Were foreign projects also discussed in the Four Year Plan? In other words, possibilities of German participation abroad?

A. Yes, a number of such projects were being discussed, particularly in spheres where it seemed impossible to over-bridge the gulf through German production.

Q. Would you shortly define your attitude as to how such foreign projects can be made compatible with aggressive intentions, as they were charged by the Prosecution?

A. Such projects naturally could only be put into effect if peace was guaranteed for any length of time. I should only like to remind you of a few products which will illustrate the significance of what I mean; particularly as a result of the production of textiles from timber substances, a large demand for timber arose. Expeditions were begun and were sent to Canada under the charge of experienced foresters, and also to Africa, in order to search for suitable timber, which after processing at the spot could be sent to Germany in order to be made

available for the textile industry in sufficient amounts. Another important sector was the fat and nourishment sector, which could never be covered by the Germans themselves. In that case, negotiations were being carried on in China and Manchuria which were started by the well-known industrialist Otto Wolff at the time. These negotiations referred to the planting of soya beans in China and Manchuria.

Q. I think that these examples will suffice.

DR. BOETTCHER: Your Honor, this question, too, with respect to the foreign projects within the framework of the Four Year Plan had been included in an affidavit of Dr. Krauch's, so that they can be used in supplementation of his testimony here.

Q. And now let me discuss one consideration which is in connection with the examination of State Secretary Koerner, under Goering, who appeared here as a witness for the Prosecution. During cross-examination when Koerner was heard on the meaning and purpose of the Four Year Plan, mention was made of a memorandum of Himmler's to Goering referring to the Four Year Plan, dated 1936. This memorandum was offered into evidence as Exhibit 411, to be found in Document Book 19, English page 93, German page 129. Would you briefly define your attitude towards the content of this memorandum?

My first question: Did this memorandum come to your attention in the year 1936 when the Four Year Plan was being announced?

A. No.

Q. When did it come to your attention?

A. I first learned of this memorandum here in Nurnberg, as a document of the Prosecution.

Q. You have been able to read that document, have you not?

A. Yes.

Q. Would you define your attitude briefly toward the content which has since come to your attention?

A. I would not conclude from this document that Hitler, with the creation of the Four Year Plan, had intended an aggressive war, but this memorandum is merely a confirmation of what I learned at that time about

the aims of the Four Year Plan.

Q. The Prosecution, when discussing this document, among other matters emphasized the concept: Lebensraum (Living Space), which had become a slogan in German and which had to be fought for. Please tell me your opinion whether according to the situation as it prevailed at that time the quotation of this word points to aggressive intentions.

A. No; at that time one thought of the regaining of the colonies of which Germany was deprived as a result of the Versailles Treaty, colonies which were absolutely able to bring about raw materials for purposes of Germany and also to procure work for Germany. It was general known that negotiations were to be carried on with England with respect to the regaining of the colonies.

Q. In this connection I should like to put something else to you. The Prosecution, when presenting its evidence, pointed to a letter which was written on the 15th of January, 1936, when your colleague Kuehn wrote the following to Dr. Ter Meer. This letter was submitted as Exhibit 552, Document Book 28, English page 92, German page 133, by the Prosecution.

Would you please get hold of this document, and in particular let me draw your attention to the passage which is on page 2 of the document, at the bottom of the page, and where it says that it was you, Dr. Krauch, who was irresponsibly pushing forward the building of Buna.

A. This letter shows up the situation quite erroneously. The furthering of the development of Buna at that time, as stated correctly by the author of the letter, was not necessary for military-technical reasons, but as a result of the experiments carried on by the well-known leather factory at Weinheim, it had become known that Buna was excellently suited for the production of sole leather, which up to that time had to be imported, and at the expense of foreign exchange. We had received knowledge that shoe soles produced from this very product were of a far greater endurance than shoes produced from ordinary leather. For that reason, a considerable usage of Buna had been found which necessitated a development of the Buna plant. The letter shows very clearly how little the Wehrmacht had

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connections with the office for raw material and synthetics with respect to questions of development. Otherwise a man like Col. Phillips, on the instigation of whom this letter was written, would have known why Buna was to be developed, and he could not have arrived at such erroneous conclusions.

Q Thank you very much.

I now go over to another large chapter concerning the question of how your appointment as Gebechem came about.

Gebechem, your Honors, is an abbreviation for General Plenipotentiary for special questions with respect to chemical production.

Describe that, will you?

A Already at the end of 1937, State Secretary Koerner pointed out to me that the development datelines, as they were submitted to Goering, could hardly be made compatible with the aims as they really were to be reached. The development datelines mentioned by Loeb were not under my control. These were data which were transferred by the so-called Executive Department to Loeb. During the middle of 1938 a copy of the report, which at one time was called the "Bible" by Schacht, was given to us, the Office of Raw Materials and Synthetics. From the accompanying letter which Loeb directed to Goering, accompanying that volume, I could see that development datelines were mentioned in the case of fields in which I was versed as a result of my activity in chemistry, and which could not be made compatible with the dates as I knew them.

Q Dr. Krauch, would you please express these matters a little more simply? You meant development datelines, did you not?

A Yes.

Q In other words, you saw wrong figures in the copy?

A Yes.

Q Well, continue...

A With regard to the development figures to be reached, Loeb had submitted wrong data. He said, for instance, that in the year 1939, in the case of mineral oil, a certain production would be reached, something which could not be true, and he made the same mistakes in various other reports.

Q Did you discuss your findings with Loeb?

A Yes, I immediately went to Loeb and I told him what I had found.

He asked me for a signature from the Department of Research and Development, and he wanted a confirmation from me regarding experiments continued there, and he said that it was not in the nature of a businessman to sign to figures which could not be made compatible with reality.

Q Did you find incorrect figures only in fields in which you were interested, or also in other fields?

A The figures referring to textiles and similar products seemed to me to have been considerably exaggerated, so that I had to conclude similarly in those instances.

Q Would you please state your misgivings of a political nature in this connection? This was something that you also discussed with Loeb?

A Loeb seemed somewhat worried about my objection and he said that it was not necessary for me to give my signature. He said that he had no misgivings at all to transmit this report to Goering, since it could hardly be assumed that Goering would be in a position to check the data submitted. I said that I could see a very difficult point with regard to this data. A leading personality counting with such high figures could possibly arrive at political consideration which would under these circumstances be entirely untenable.

Q Did you report this matter to Goering?

A I at first approached State Secretary Koerner with these figures.

Q And what did Koerner do?

A Koerner at the end of 1937 had asked me to report to him personally whenever something came to my attention. Koerner was very interested in my observations, and he said that he would immediately submit my reports to Goering.

Q One intermediate question in that respect for the information of the Tribunal. How often have you actually seen Goering and talked to him?

A If I also count social occasions, I saw him twelve to fifteen

times throughout the entire period.

Q One more deviation. How often did you speak to Hitler?

A Once, in the year 1944, at Obersalzberg.

Q You said that Koerner arranged a conference with Goering. How did this conference with Goering develop and what motives caused you to report to Goering in great detail about these matters?

A Parallel with this matter, another matter was being dealt with, with respect to which Prof. Bosch had approached me. He said to me one day that he had had a conference with General von Brauchitsch and Col. Gen. Beck, whom he had known for a considerable period of time. They both told him that they feared that the mistakes which were being made by us in our foreign policy would eventually lead to war. They said that armament had in no way progressed sufficiently for a war to be tenable. Both gentlemen asked Bosch how economy was progressing. They certainly knew Bosch's attitude, which was well known, and Bosch expressed to them that a war would be absolutely untenable for economy. Both gentlemen had asked Bosch to report to the government about his point of view. Bosch was prepared to do that and he asked me to mediate a conference with Goering for him. He then considered Goering as the only somewhat reasonable man within the government. With this directive of Bosch's I approached Koerner and I asked him to approach Goering with this request of Bosch's. After Koerner had spoken to Goering he replied to me that Goering at the time was not in a position to receive Bosch. He asked me what Bosch actually intended to tell Goering. I repeated to him verbatim what Bosch had originally told me. I told him about the conversation with Brauchitsch and von Beck, and Koerner transmitted Bosch's wish and his statement to Goering without receiving any other reply than the one I have mentioned.

DR. BOETTCHER: Would it now be a convenient time to start the recess?

THE PRESIDENT: We will now rise for our recess.

(A recess was taken.)

(After Recess)

THE MARSHAL: The Tribunal is again in session.

DR. BOETTCHER: The last question which I asked you was complete. There is a new question. How did Goering react to your representations in June, 1938?

A - He asked me first of all to submit a plan to him as to the extent of the various types of production, as to how they were to be developed. He mentioned three fields which interested him especially, mineral oil, buna and the field of light metals.

In the next few days I examined the plan which had been made by the Office for Raw Materials and Synthetics, and after a few days I submitted it to Goering at his request. A report of the development in the various fields had been presented secretly, and Goering asked me for my opinion as to how long it would take to produce these products in the quantities mentioned.

Q Was Goering especially interested in peacetime needs?

A The figures were based on peacetime estimates. To give an example, developments in the field of mineral oils had been set at a certain figure according to special motorization, and certain figures had been arrived at in that way. That was done in the beginning, but it had been discovered that peacetime consumption had developed much faster than we had estimated, especially in the field of motorization. The requirements had simply run above our heads. For the next few years we substituted higher figures, and thus in the mineral oil field, we reached a demand of about 11.8 or 12 million tons for the year 1942-43, on the peacetime basis.

Goering asked me to what extent such a figure could be covered. I said by having 60 to 70 per cent of it covered by our own products, and the rest could be obtained by import. Since we were an export country, it was necessary to have imports in various fields, so it was necessary to keep certain markets open and to buy the materials on the world market. I had another consideration and that was this:

We did not know how the world market crisis would develop as regards gasoline. There was the experience of the Chemical industry, as regards dyestuffs. I will mention only indigo. Indigo had shown that in the course of years, it was quite possible to come to prices set by the world market. The original price of synthetic indigo was perhaps 5 or 6 times as high as natural indigo, but nevertheless, in the course of time, it had been possible to reduce the price by improvement in the production, and to bring it down to the world market price so that synthetic indigo displaced natural indigo.

A similar phenomenon had occurred in the case of nitrogen. Here again the original prices had been considerably above the world market prices of nitrogen. That was shown especially after the First World War, and I recall quite well a situation when a very important member of the Verwaltungsrat of I.G. Farben spoke to me, who was Technical Director of Leuna at that time, and told me that the Verwaltungsrat was faced with the question of closing the nitrogen plant at Oppau and Leuna since it seemed impossible to him ever to reach the world market price of nitrogen.

At that time I told him of various improvements in the process which were about to be made, and I brought it to his attention that I was more or less convinced that the technicians and the chemists would be able to put these improvements into practice, from which I calculated an adaptation of the nitrogen price to the world market price.

The next few years showed that this idea was correct.

A similar development might perhaps be expected with gasoline too, and gasoline and gasoline synthesis were undertaken by I.G. There was a price of about 20 pfennigs. The calculations which we technical men made at the time indicated that we hoped to reach a cost price of about 20 pfennigs, under these auspices we had taken up the gasoline problem.

After several years of intensive work and great difficulty, we

succeeded in bringing the cost price of gasoline down to about 20 pfennigs, but the world market price of gasoline had fallen to 10 and even lower. It was possible to maintain production only if corresponding customs protected the domestic production of gasoline.

Q And what did Goering have to say about your argument?

A Goering was quite willing to listen to this argument in the field of Buna, where the situation was similar. Here again the price had fallen considerably, the price of rubber - so that I.G. had considerable misgivings when assigned the task but the experts hoped to improve the price so that we might approach the world market price.

Here again, for certain reasons, my opinion was perhaps justified that we should hold back production and wait for a further development in the cost. It was similar in the case of light metals so that Goering saw this production could be carried out on a peacetime basis, and approved the plan.

Q You have been speaking of mineral oil, buna and light metals. Now how about powder, explosives, and preliminary products? Were they included in the questions which Goering discussed with you?

A Yes, they were included. In the beginning of our discussions, I was able to present the facts to Goering. Goering was rather excited about the figures which I gave to him. He said that he had told Hitler about these problems in the year 1940, and had always been supported by the figures which had been given.

A. He asked me how about powder and explosives. He referred to a statement made to him on the preceding day by Keitel, Chief of the OKW. He had asserted that production of powder and explosives had reached the figures of the so-called Hindenburg program.

Q. What is the Hindenburg program?

A. Those were the demands which Ludendorff made on powder and explosives production in the second half of the First World War, for expansion. That was the highest limit of production achieved by Germany in the First World War.

Q. How were you also ordered to take care of powder and explosives and preliminary production?

A. Yes, I answered Goering saying that Keitel's opinion that the Hindenburg program had been achieved was not at all correct in my opinion since otherwise the situation of the nitrogen industry which was supplied for explosives, etc, would have been quite different.

Goering asked me to re-consider my opinion. I got the figures from the nitrogen industry. I knew all of the deliveries to the powder and explosive factories. It was discovered that only a fifth or a sixth of the Hindenburg production had been achieved in the year 1928.

Q. These negotiations and discussions with Goering resulted in the Karinhall-plan?

A. First of all I should like to state that Goering did not give it the name "Karinhall-Plan". That was merely generally adapted. This plan was nothing but the planning of the agencies concerned, that was the Office for Raw Materials and Synthetics, and on explosives side, the Army Ordnance Office. This then became the so-called Karinhall-Plan.

Goering gave me the assignment to talk to the industries concerned and to determine the date at which this plan could be realized. After examination I was able to give him the answer that I believed it could be achieved by 1942 or 1943, on the basis of the delivery of materials to the various concerns.

Q. Now of 1939 and '39 let's say, to what extent was the peacetime need of oil covered by German production?

A. I believe one can say that one-third of the peacetime requirements could be covered by German production.

Q. And what about supplies, - stock-piling?

A. There was virtually no stockpiling, because the need was far greater than expected. The requirements of the German population for gasoline had greatly increased. In 1932 there was one car for about every 147 inhabitants. In 1938 there was one car for every 52 inhabitants. This was the result of the motorisation of traffic, which had taken place in the meantime. The figures in the United States, in 1932 were one car for every five inhabitants.

In 1938 we had one car for ten times as many inhabitants.

Q. What was the situation for oil? And now, just very briefly, what was the situation for rubber and buna?

A. We had a need of about 100,000 tons of Buna in the year of the outbreak of the war. The production in 1939, was a little over 10,000 tons, only a fraction of the Utopian peacetime consumption of rubber, and stockpiling was even in a worse position in the case of Buna for oil we had a supply of perhaps six months, but with Buna we had a supply of perhaps one fortnight.

Q. In this connection you had the consent of the so-called "Schnellplan" the "Rapid-Plan"; what do you have to say about that?

A. The plans in the powder and explosives field, finance and expansion, were in the hands of the Army Ordnance office; as I stated before, from the figures which I submitted to Goering, in the middle

of 1938, the Army Ordnance office had come to the conviction that the expansion of powder and explosives capacities had fallen behind the expansion of other armaments, tanks, ships, etc. At that time, the Army Ordnance office drew up a plan to hasten powder and explosives production for the Army Ordnance Office, under the name of the Rapid Plan.

Q. Were you interested in this plan?

A. When the plan was drawn up, my subordinates were called upon for consultation in the Army Ordnance Office and were asked to what extent industry was able to supply the raw materials for this plan to achieve the production expected under the plan.

Q. What year was that?

A. That was the middle of '38 when the plan was drawn up.

Q. Did you yourself draw up the plan?

A. No, the Army Ordnance Office drew it up on the basis of figures supplied by the General Staffs of the various branches of the Army.

Q. What was the success of this plan?

A. On the dates given, that is by the end of 1939, the given figures which were to be achieved were absolutely Utopian. The final figures of the Rapid Plan, in spite of the emergency, brought on by the War, were achieved only in 1943.

Q. Now what was the interest seen from the point of view of industry? The interest of industry in this Rapid Plan?

A. Industry had to supply the raw materials, or rather the intermediate products. Industry had to know the time limits, and had to know by what time the preliminary products had to be made available. There was considerable confusion here. There was not one ordnance office; there was an Army Ordnance Office, an Aviation Ordnance Office, a Navy Ordnance Office, and above these Ordnance Offices was the Economic Armament Staff under General Thomas. It was

or rather would have been, his duty to coordinate the demands of the various branches of the Armed Forces, but that was not possible.

If the Army, or rather Military Armament Staff had said the Powder Industry was to adapt itself to a production of such and such an amount, a representative of the Aviation Ordnance Office would turn up and demand 3 or 4 times as much as the Armament Staff had set. Had this figure been met, the Navy would have demanded still more, so that any agreement from the Military Armament Staff seemed impossible, so that Industry did not know what figures were to be observed.

It was therefore the endeavor of Industry to have one office established to coordinate the demands of the various branches of the Armed Forces. That was also the opinion of the Ordnance Office, who do no doubt realize the difficulty, and therefore were thinking of a change in the situation.

Q There were four big fields which Goering wanted to entrust to you — mineral oil, Buna, light metals, powder and explosives and preliminary products. With respect to powder, explosives and preliminary products was there any peculiarities, any difference from the other three fields?

A Yes. I believe one or two days later, after it had become known through Goering that the Plenipotentiary General for Special Questions of Chemical Production had been appointed, Keitel, on behalf of the OKW, objected to the appointment of myself as Plenipotentiary General, especially in the field of powder, explosives and preliminary products.

Q What was the effect of this objection?

A Keitel told Goering that for those in charge of the army it was unbearable if a man of industry could obtain insight into the armament fields. It was impossible, he said, for a man from industry to have knowledge of how many divisions were being set up, what the plans were for setting up bomber squadrons. It was a simple calculation from the figures of explosives to be delivered, to calculate how many bombs were to be dropped and how much artillery fire was expected. He, therefore, asked Goering to suggest a special Plenipotentiary General for this field in the person of the Chief of the Army Ordnance Office, General Becker.

Q Was that done?

A No. Goering called me up or had me called up and advised me to talk to General Becker. He certainly did not want any interference with the requirements of the army. Goering could not give any orders to Keitel since at that time he was only Chief of the Luftwaffe while Keitel was in charge of all three branches of the Armed Forces. He asked me to reach an agreement with General Gecker on a friendly basis. What he was interested in was only in getting objective figures on production of such materials figures which could really be achieved.

Q The prosecution has submitted an exchange of correspondence with Dr. Ambros of 27 June 1938. This is Exhibit 438, Document Book 20, English page 82, German page 180. Document Book 20, Your Honors, page 82. This is Exhibit 438. This is a letter in which Ambros makes suggestions for the establishment of a central office to evaluate the progress of production of chemical warfare agents and explosive materials.

Do you have the letter?

A Yes.

Q Will you please comment on it?

A As far as I am informed, this letter was not sent off as it stands. It is simply the draft of a letter which Ambros intended to send to me. In the letter, Ambros refers to the example of other countries where this question of organization of powder and explosives production had been solved in a better way than in Germany. He refers to the establishment of a ministry like the British Ministry of Defense. On page 3 of the document he says: There must be one office responsible, like the British Ministry of Defense, to deal with all questions of research, planning, financing, contractual settlement and supervision and to be held responsible for the Wehrmacht and all competent Reich authorities."

The above-mentioned office was to have a staff composed of responsible representatives of the Army, the Reich Ministry of Finance, the Reich Office of Economic Expansion, and industry, like the Defense Council in the first World War, which was to work out suggestions and submit them for decision. In the first World War, the so-called Defense Council had been organized in a similar way. This had exactly the same duties as those indicated by Ambros in his letter and there had been similar organizations abroad.

Q Now, we are at the time when you became Plenipotentiary General for Special Questions of Chemical Industry. One of the fields, as you have already said, was mineral oil. Did that include natural petroleum?

A No, that was not included. There was a special agent appointed, that was Professor Benz of the geological institute.

Q Was it an unusual procedure to create the office of a Plenipotentiary General?

A No. Before that, a number of other plenipotentiaries General had been appointed.

Q Can you mention briefly a few fields for which Plenipotentiaries General had been appointed?

A The field of iron and steel production.

Q Who was that?

A General von Hanneken.

Q That's the same man who was a witness here?

A Yes.

Then for power supplies, Mayor Dillgart; another Plenipotentiary General for construction industry. The most important Plenipotentiary General was in charge of all of economy or expansion of economy. Then there was a Plenipotentiary General for traffic, motor vehicles and similar things.

Q Thank you. That's enough.

Now, what was your work as Plenipotentiary General for Special Questions of Chemical Production?

A I had primarily an advisory capacity. I had to check the dates which had been set up by industry under the plan. I had to help industry to achieve the quotas. I had to help them get their supplies of building materials and labor. If I could see that there were difficulties which could not be overcome, I had to inform Goering and tell him that the time limits set could not be kept for one reason or another.

Q According to the description which you have just given, did you have the right to include any business transactions?

A No, not personally.

Q I shall give an example which has already been discussed here. In the Hermann Goering Works, could you have buildings constructed, could you appropriate money for that purpose, could you put plans into practice directly?

A No.

Q No, according to German legal concepts, the expression "authorization" includes the right to represent the person or organization for whom you are acting. I shall, therefore, ask, did your title agree with the authority which you had, in practice?

A No.

Q Did you have the right to issue instructions, to make expenditures so that third parties had to act according to your instructions?

A No, that was in the hands of other agencies.

Q If then there was objection to your advice or if people thought that they did not have to follow your advice, to whom did you go then?

A I had to go to the agency which had the power to give instructions to industry.

Q What was that?

A At the end it was Goering.

Q. You just said you did not have the right to issue instructions. Did your position differ from that of other Plenipotentiaries General?

A. Yes, in a certain respect.

Q. What was the reason for your having a different position?

A. The reason was that I was not a government official, that I was not paid by the state for my work. It was only an honorary position and I was always considered as a man of industry, while the other Plenipotentiaries General were in the service of the state and were officials of the government.

Q. Can you give us any proof, any documentary proof, of this with the aid of prosecution documents?

A. Yes.

Q. Will you please comment on Exhibit 455, Document Book 21, English page 56, German page 88? Book 21, page 56.

A. Do you have the document?

A. What's the number?

Q. 455.

A. EC 282?

Q. Yes.

A. What's the page - German page?

Q. 88. That is your work report. I believe it is April, 1939 - 28 April 1939.

A. Yes, I see it.

Q. Your present the situation and then as far as your right to issue instructions is given, you draw the conclusions from this report.

A. Would you give me the page again? I think I have the wrong page.

Q. It is page 88. Apparently that is a printing mistake. No, it's page 88. English page 56.

A. I have here #3, expansion of the boiler factories. I believe I have found it now, Dr. Boettcher.

This is a work report such as was submitted every six months to Goering through the State Ministry. It was customary for this rather detailed report

to be condensed by the State Ministry for Goering's benefit into a report not more than two or three pages long, giving the principal figures of the bigger report. In this report I point out that the figures given to Goering could not be achieved or rather that there would be delays of six months to a year since the Karin Hall Plan had not been given the necessary amounts of steel, building materials, etc. This shows clearly that allotments were in the hands of a different agency and that the plan was regulated according to the materials available.

Q. That's enough, Dr. Krauch, on that document.

Now, I want you to look at another document. That is Exhibit 457, Document Book 21, English page 109, German page 196, Exhibit 457. Do you have it?

A. Yes, I have it.

Q. What is that document and what conclusions do you draw from it regarding your authority to issue instructions?

A. This is a letter of Minister Todt to the State Secretary in the Reich Ministry of Labor, Syrup. He states, and I quote:

Q. Please do.

A. "I asked Dr. Krauch to send you immediately a list of the various building plans, according to districts, and I ask you to issue corresponding instructions to the district Labor offices."

I believe this letter shows clearly that the instructions about the allocation of labor were not in my hands, but in the hands of the Labor Ministry.

Q. Now, to make this quite clear, I shall refer to one more document. That is Exhibit 446, Document Book 21, English page 8, German page 9.

Do you have it?

A. Yes.

Q. What is that letter, very briefly, and what conclusions do you draw from it?

A. Yes, I have this letter. That is 446, a letter of Goering.

Q. Yes.

A. Just a moment.

These Plenipotentiaries General who are government officials have the right to issue instructions to other agencies or are not obliged to submit to the instructions of other agencies. That does not refer to me. That refers to those Plenipotentiaries General who were state employees and had the authority to issue instructions.

Q. Now, as Plenipotentiary General for Chemistry, did you have a budget? Did you dispose of Reich funds independently?

A. No.

Q. Did your position differ in this point too from that of other Plenipotentiaries General?

A. Yes.

Q. What were the reasons?

A. Exactly the same. I was not a state official. I was a business man.

Q. An important point which shows the importance of your position as Plenipotentiary General for Chemistry is the question whether you could allot quotas. Please tell the Tribunal what a quota, "Kontingent," means.

A. For the building of a new factory, certain amounts of iron and building materials, etc., were needed. In these years there was a considerable shortage of materials because of the many tasks of armament, the building of highways, the many structures built by the Party in various cities of the country, etc. It had, therefore, become necessary to allot the building materials available and to assign them only to those construction projects considered necessary by the government. Therefore, for a certain building project the necessary amounts of iron, cement, wood, etc., were requested and the agency in charge of allocating these materials filled the order. If 2,000 tons of iron were requested for the construction of a factory, for example, the iron rationing office - that was General von Hannecken - was asked by the firm to issue 2,000 tons of iron.

Q. As Plenipotentiary General for Chemistry did you have the right to

decide about these rations or quotas?

A. No, that was up to the agency in charge. In that case it would be the iron rationing office - von Hannecken.

Q. And what was von Hannecken's position?

A. That was in the Ministry of Economics.

Q. In this connection I must put to you a letter of the year 1938 which you wrote to I. G. Ludwigshafen. This is Exhibit 217, Document Book 8, page 67 in the English, also page 67 in the German.

Do you have it?

A. Yes.

Q: In this letter you write "The obtaining of steel, the money, the labor, and control of construction, are in my hands." Then it says "For the orders concerning building projects, a special code number will be supplied." I believe that this document could be interpreted to mean that you had the right to issue instructions.

A. Yes, that was right. At that time I, or rather the man in charge of this question, was still of the opinion that I could issue instructions. That this was not the case could be seen from the other documents which we have already discussed. So that this statement here is incorrect.

Q. What was the further development during the war? I have understood your statement so far to mean that you were dependent for supplies and in other questions on the Reich Ministry of Economics, Financing, and so forth. Was there any change in this situation after the war broke out?

A. Up to that time obtaining of materials had been in the hands of the Ministry of Economics, but now the supplying of the Plenipotentiary General for Chemistry was assigned to the OKW and during the war the OKW of course was promoting the production of armaments and took a hand in the supplies of the Plenipotentiary General for Chemistry and others and it was decided which were to be supplied and which were to be held back.

Q. Was that the only organizational change which occurred during the war?

A. No, there was one organizational change after another. It was the endeavor of the National Socialist government, when an office had been created to set up more agencies to check this one and prevent the development of any independent agencies.

Q. We are interested in Exhibit 482 which is in Document Book 21, English page 50, German page 57. Exhibit 482.

A. Yes, I have it.

Q. That is the testimony of the former Reich Minister of Armament, Speer, who speaks of Krauch's position and the position of I.G. Farben. This is book 21, page 50. I beg your pardon — that is 22. Yes, that is a typing mistake. Book 22. That was a typing mistake in my office. What

is shown by this document regarding the allocation of bricks in your work as Plenipotentiary for Chemistry?

A. That shows that the allocation of bricks was put into the hands of the Central Planning Office which had to decide about the distribution of these building materials available according to priorities.

Q. Please tell the Tribunal briefly what the Central Planning Office was.

A. The Central Planning Office had been set up by Speer shortly after he became Minister of Armaments. It coordinated the requirements of the military and civilian economy. In addition to Speer there was Field Marshal Milch, Funk, the Minister of Economics and the representative of Goering, State Secretary Koerner, on the Central Planning Board.

Q. That is enough for our purpose. Do you have anything else to say about Speer's testimony which is Exhibit 482?

A. At one point he speaks of the sale of the products. I don't believe he is right here. I never had anything to do with production. Both distribution and the entire program were in the hands of the Ministry of Economics. The Plenipotentiary General for Chemistry was only concerned with expansion. Whether the gasoline factory at Leuna was supposed to produce so much aviation gas, so much Diesel oil, so much vehicle gas, was not set up by me but by the economic group, that is the Ministry of Economics, and to a large extent the authority later went over to the Armament Ministry.

Q. That is a good occasion to consider the letter which Kehrl, an important man in the Reich Ministry of Economics, sent to you dated 30 March 1943. This is Exhibit 483, Document Book 21, English page 172, German page 268. Do you have it?

A. Yes.

Q. Will you please tell the Tribunal very briefly who Kehrl was?

A. Kehrl had an important position in the Ministry of Armament. He had previously been the director of the textile department. He had come

from Keppler's staff. Since he himself was a textile expert he had been interested in the expansion of the textile industry. Then he had gone into the Ministry of Economics as a general referent and when the authority of the Ministry of Economics largely went over to the Armament Ministry, he went over to Speer and the armament industry and he was in charge of planning and raw materials. He was one of the first leaders of the armament industry.

Q. Here he writes as department chief in the Ministry of Economics.

A. Yes.

Q. If you have this letter before you, please comment on it on the question of your authority which is dealt with there.

A. Under Number 2 he mentions the preparation of new planning and he says that the preparations for this new planning were being made by the Reich agencies — not the Reich Office, the Reich agencies, like the Economic Group Chemistry which was under the Ministry of Economics. Then under Number 3, planning, he says that planning is in the hands of the Reich Ministry of Economics. The head of the Reich Office for Economic Expansion is to be called upon in an advisory capacity. The letter shows quite clearly that the men of the Ministry of Economics and later of the Armament Ministry, wanted to have the authority in their own hands.

Q. Now, there is a word in this letter which required clarification. The word is initiative, which is assigned to you to a certain extent.

A. What page is that?

Q. Page 5 at the top — and following. Do you see it?

A. Yes, it says "the initiative for the undertaking of new planning is to be generally in the hands of the Plenipotentiary General for Chemistry" and he adds, "the Plenipotentiary General for Chemistry is to order the execution of expansion plans only when the Ministry of Economics is satisfied the necessary conditions of fulfillment are existing or possible. This shows that the initiative was very limited. The execution was in the hands of the Ministry of Economics.

12 Jan. -A-MW-24-4-Mills (Int. von Schon)
COURT VI, CASE VI

Q. Mr. President, I have come to the end of one subject. Should I start another subject or would this be a good time to break off?

PRESIDENT: The court will now adjourn until 9:30 tomorrow morning.

Official Transcript of the American Military Tribunal
No. VI, in the matter of the United States of America
against Carl Krauch, et al, defendants, sitting at
Munich, Germany, on January 13, 1948, Justice Shake presiding.

THE MARSHAL: Persons in the Courtroom will please find their
seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States
of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE MARSHAL: May it please Your Honors, all of the defendants are
present in the Courtroom.

THE PRESIDENT: Are you ready to proceed, Dr. Boettcher?

DIRECT EXAMINATION (continued)

DEFENDANT CARL KRAUCH

BY DR. BOETTCHER:

Q. Dr. Krauch, we stopped in the middle of the discussion about
your authority and your competency as Plenipotentiary General for
Chemistry. I shall sum up very briefly.

A. The sound is off. Now it is all right.

Q. I was saying, we stopped in the middle of a discussion of your
authority and your competency as Plenipotentiary General for Chemistry.

A. Yes.

Q. We asserted that you were an expert of high caliber but had
no right to issue instructions or to assign quotas, and you had no budget.

The next thing which I should like to bring out in this connection
is this: Did you have the right to determine priorities? I wish you
would please explain to the Tribunal what we mean by a priority. Where
did they come from?

A. The priorities soon became necessary when there were quite
a number of assignments to be given to industry which in part conflicted
with the armament program of the Wehrmacht. It was, therefore, necessary

to set up a certain order of importance, on the basis of which the various assignments could be given out to industry.

To give an example, there was an especially high priority for submarine production. This may perhaps have conflicted with the deliveries of machinery necessary for a mineral oil factory. If this happened, the priority indicated the degree of urgency - that is, the machinery needed for the mineral oil factory had to take second place. The delivery to the submarine factory had to take place first.

Q. Now, did these priorities refer only to the allocation of materials, or also to labor and similar things?

A. That is quite right. It refers also to the allocation of labor. The workers who had to produce the machines for submarine production were assigned before the workers who produced for the mineral oil factory.

Q. Very well. Now, did you have the right on your own initiative to determine these priorities?

A. No, of course not. That had to be done by a higher authority, an agency which was able to judge all of the needs and make the decision.

Q. Can you mention some authorities which set these priorities?

A. For example, the agency in charge of iron allotments. This was the agency which told me that the understanding of which the Plenipotentiary General for Chemistry is in charge has such and such a priority. Of course this agency, this office of Hanneken, did not have the authority to issue priorities itself; they came from still higher up.

First of all from the Armament Minister, that was Dr. Todt, in the beginning. He had the final decision on construction, and the OKW also had something to say, which had the primary interest in armament; a suggestion was made by these authorities, and a decision was reached by the highest authority, Goering, and perhaps in urgent cases Hitler himself.

Q. Now, to make it quite clear what your position was, in connection with these very high authorities, I should like to discuss with you a practical example with the aid of the documents which the Prosecution have submitted.

If you will look at Exhibit 1408, Document Book 72, English page 1, German page 1 - book 72 - have you found it?

A. Yes, I have found it.

Q. Please tell us briefly what this document is.

A. This is about the building of Buna Plant III.

Q. What is this document? Is it a letter?

A. It is signed by General von Henneken. That is the Ministry of Economics, and it comes from the Minister of Economics.

Q. To whom?

A. It is addressed to I. G. Farbenindustrie, Attention Dr. ter Meer.

Q. What do you find on page 2 of this document regarding priority?

A. I shall quote that paragraph:

"With reference to the priority rating of these building projects, their general grouping under special priority is not possible at the moment; I am, however, prepared to support this expansion in every way and in specially situated cases to give priority ratings. I shall like these questions to be discussed in collaboration with the Plenipotentiary General for Special Questions of Chemical Production, Professor Dr. Krauch, and in particular I should like you to let me know which cases, in your opinion, unquestionably require a priority rating for the present for the expansion of Buna Plant III, in Ludwigshafen. Similarly, the Supreme Command of the Wehrmacht has promised suitable assistance with regard to partial inclusion in the priority ratings."

Q. Very well. Now please draw the conclusion for the question of your authority in this important field.

A. The document shows very clearly that the assignment to the

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A. Yes, I have found it.

Q. Please tell us briefly what this document is.

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Q. Very well. Now please draw the conclusion for the question of your authority in this important field.

A. The document shows very clearly that the assignment to the

priorities was initiated by the Ministry of Economics with the approval of the OKW. Those were the authorities which decided priorities.

Q. And if you considered a higher priority necessary, to whom did you have to make the application?

A. The application had to be made to Goering, who consulted the Minister of Economics and the OKW and issued the order.

Q. So that this is made quite clear, could you perhaps mention some special priorities?

A. There was a priority O, priority I, the so-called special priority, called SS, and then there was SSOO. I believe that was the highest for very special cases.

Q Please tell the Tribunal whether this document which I discussed with you is only one example among many, showing your rights in the field of determining priority.

A As you say, that was only one example among many. The interrelation of this plan was constantly changed by other priorities ordered by higher authority.

Q Now we shall leave this question of priority. The next question which I want to discuss under the subject of limits imposed on your authority is this: Did you have anything to do with the production of the plants under your charge? Could you interfere with production when the plants were set up?

A No, I could not. That was in the hands of the Ministry of Economics.

Q Another question. Did you, yourself, have the right to propose the construction of plants?

A No, I did not.

Q But you surely had the right, on the basis of the respect accorded your person, to make suggestions?

A Yes.

Q Did suggestions come from industry, from I.G. Farben and other plants of the chemical industry?

A Yes, very soon after the 4-Year Plan was proclaimed.

Q Can you give examples of industries' coming to you with suggestions for new plants?

A I can refer to one specific example in the hard coal industry. This industry had always wanted to refine coal itself. It had become known very early that the coal industry was interested in producing dyestuffs, for instance.

Some circles in the coal industry realized that in view of the great advances which I.G. Farben had made in its 40 or 50 years of activities, it would be impossible for them to work in this sphere, so that it was more to the interest of the coal industry to enter some

newly opened field — for instance, the nitrogen industry. Nitrogen plants were very soon built in the coal industry, in part on the basis of processes which they had discovered themselves, in part on the basis of licenses obtained from I.G. Farben. A special field which must be of interest in the refinement of coal was hydrogenation of coal, and here agreements were very soon reached with I.G. Farben and with the Kaiser Wilhelm Institute where Geheimrat Fischer worked, to acquire processes so that the coal industry could enter the field of refinement of coal.

Q Very well. We have now heard enough examples to indicate the interest of industry in the projects of the 4-Year Plan. For the position of expert which you had, according to your description, it is important to know to what extent your judgment and your suggestions and recommendations were followed. Please explain to the Tribunal to what extent your suggestions were followed and to what extent they were deviated from.

A There were, of course, various factors which interfered with planning. It was my duty to draw attention to processes which were ready for production, and in general, my opinions were followed. Very soon, however, other problems came up which seemed more urgent to the government authorities, so that no consideration could be taken of my suggestions and other interests were considered more important.

Q Yesterday afternoon we spoke about the Karinhall Plan, which set certain dates and certain figures when projects had to be finished. Please tell us to what extent this Karinhall Plan was affected in practice by other plans contrary to your suggestions?

A When the Karinhall Plan was drawn up, Goering had asked us about the materials which would be necessary in order to build the plants concerned in the given time — which I had given as 1942 or 43 — for the mineral oil field. To give an example, I had, on the basis of the information supplied to me by industry, figured out an iron requirement of 120,000 tons per month. Goering had promised that this iron would

be obtained.

That was actually the case for the last quarter of the year 1938, after I had become Plenipotentiary General in July. In the first quarter of 1939, the amount of iron which I had requested was not allocated. The amount went down to 50,000 tons, a very considerable reduction.

I shall mention only this one field. In other fields it was just the same. This development was caused by the construction of the so-called Westwall, which required a great deal of building materials.

Q Just for explanation, tell us what the Westwall was; what kind of work was that?

A The Westwall was ordered by the highest authority to fortify the western borders of the Reich. It corresponded to the Maginot Line which the French decided upon and to a large extent carried out after the first World War.

The Westwall was considered a purely defensive line and of course required enormous quantities of cement, iron, wood, etc., since there were a number of fortifications.

Q Very well. Now, very briefly, a few more examples of what interfered with your suggestions.

A I shall mention the submarine program, which interfered considerably with the Karinhall Plan at the beginning of the war. There was an intensified submarine program which had the highest priority and subordinated all other plans.

Q And a third example, finally.

A According to the experiences of the first Russian winter, the military command now realized the importance of tanks, and a big tank program was set up, which again got top priority, so that the submarine program and all other enterprises had to take second place.

Q I shall leave this point now and come to another subject which is necessary in order to clarify your position as Plenipotentiary General for Chemistry. Did you take an oath as Plenipotentiary General?

A No.

Q Did you receive any document, any written appointment, or did you sign any contract referring to your activity?

A No.

Q Did you receive any salary; did you receive any compensation from the state?

A I received no salary for any other compensation.

Q If I remember correctly, you have already spoken about this matter-whether you were a government official, (Beamter).

A I answered the question yesterday. I said that I was not a government official.

Q Was such a position ever offered to you?

A After I had been working on the raw materials and foreign exchange stuff for a few months, Colonel Loeb, came to me with such a suggestion.

Q Why did you refuse?

A I refused deliberately. I did not want to become a government official and leave private industry. I had been quite satisfied with my work in industry, and I always intended to return there. If I had accepted this position, I would have been bound to the state, and I did not want that. Also, I had the feeling that without this connection I would be much more independent and would be able to serve industry better, which was my main reason for taking on this job.

Q Did you talk to your friend Bosch about this?

A Yes. I talked to Bosch about it, and Bosch agreed entirely with my attitude. I went so far as to tell him that I would prefer to return to I.G. Farben, that I could in no case accept and Bosch quite agreed.

Q Now, did you ever have the intention of leaving this official position of yours?

A Yes, that happened several times.

Q Since this is important in judging your personality, please give us your motive.

A First of all, I went to Colonel Loeb after this reorganization of Department 3 - Research and Development - was finished and told him that now I had done my work and, according to the agreement which we had reached at the time, I should like to return to I.G. Farben now. Loeb talked to Goering, I believe, and Goering ordered or recommended to me that I remain in my position until the transfer from theoretical to practical work was complete. A year later I made the request again, and I talked to Milch, who was, at the time, State Secretary of the Aviation Ministry, and also to Bosch. Both these men advised me to remain in my position. Milch said: "You hold this position in order to prevent silly things being done by dilettantes and others. It is not a pleasant task for you, but you have to do it in the interest of industry, since you are one of its main representatives."

Q In your wish to leave these positions, was one of the factors the fact that there was certain conflict with the Party agencies?

A Yes, that is the case. I was soon reproached with a lack of objectivity. It was said that I was merely a representative of industry, who would uphold industry to the disadvantage of the state. I was criticized for the choice of my associates, because I had acted from purely technical considerations rather than political ones, and I had picked out associates from industry who were considered not quite reliable politically, but of whose technical ability I was convinced,

which was the decisive point for me.

Q This reproach of lack of objectivity is taken up with great emphasis by the Prosecution. Therefore, I should like to bring out a few facts very briefly in this connection. The first question: After taking over your office in the Four-Year-Plan, did you remain a member of the Vorstand of I.G.?

A Yes, I remained a member of the Vorstand of I.G.

Q Did you continue to work - to be active as a member of the Vorstand?

A No. After taking over the office in the Raw Materials and Foreign Exchange Staff, until the end of the war, I did not attend any of the Vorstand meetings or Technical Committee meetings or any other meetings which I was supposed to attend.

Q Dr. Kreuch, there was a mistake just now. I should like to correct it. You said "until the end of the war."

A I was in the Vorstand until 1940 and, after the death of Besch, I became his successor as First Chairman of the Aufsichtsrat. I was not a member of the Vorstand until the end of the war. That is true.

Q Now, to go on. You say you remained a member of the Vorstand formally, but you did nothing. You were not active. Were you legally authorized to attend meetings of the Vorstand as long as you were formally a member of the Vorstand?

A Yes.

Q Now, what were the reasons why you exercised this reserve?

A In my position in the Raw Materials and Foreign Exchange Staff, and later in the Four-Year-Plan, I had contacts with other chemical industries, and these people, in confidence, told me of their new knowledge and experiences, so that I gained knowledge of a number of processes which were not public knowledge in industry. I, therefore, wanted to avoid giving the impression, by attending Vorstand meetings of I.G., that there were still connections with I.G. and that there was perhaps the danger of indiscretion - perhaps unintentional on my

part - by which I.G. might learn the secrets of other industries and, the other way around, of course, that by knowing the details of I.G. processes I might betray their secrets to other industries.

Q Very well. I'll come back to this later.

Now, I should like to go on, however, and next I should like to discuss the setting up of your office as Plenipotentiary General for Chemistry and the Reich Office for Economic Expansion. When you were appointed Plenipotentiary General for Chemistry you had to have an office for your work. How did you build up your new office?

A I was head of the Department for Research and Development and I included the other departments in charge of construction work in mineral oil and Buna, thus building up the administrative machinery of the Plenipotentiary General.

Q What was your rank as Plenipotentiary General for Chemistry or as Reich Office for Economic Expansion within the framework of state officialdom?

A As far as the Reich Office for Economic Expansion is concerned, I was under the Ministry of Economics. I was not a Supreme Reich Authority, as it is called in the German administration.

Q Was that also true of your position as Plenipotentiary General for Chemistry?

A That was true for both positions.

Q I should like to discuss this with you by consulting a document. Will you please look at Exhibit 462, Book 21? Book 21, page 169 in the English book, page 265 in the German.

Do you have the document?

A Yes, I have it.

Q Please tell us what this document is about.

A It is about the reorganization of the Reich Office for Economic Expansion after I had been appointed provisional head of this office. It says at one point:

Q Under #1?

A Yes.

"The Reich Office is under the Reich Minister of Economics and is a Higher Reich Authority, not a Supreme Reich Authority."

Q That is under #1 of the document, Mr. President.

One very brief question: When did you become head of the Reich Office for Economic Expansion?

A I became provisional head of the Reich Office for Economic Expansion after the previous head of the office, Major Czimatis, had been called into the army.

Q You emphasize the word "provisional". What do you mean by that?

A I was not a state official. It was proposed at the time that some other person be made head of the office, since there were misgivings against having a man from industry in this position. As far as I learned later, however, the various authorities concerned could not agree on any person, so that I was asked to take over the duties temporarily until a man could be appointed.

Q Another problem: In taking over the office as Plenipotentiary General for Chemistry, you had to have certain new assistants. The Prosecution makes the charge that your department, Plenipotentiary General for Chemistry under the Four-Year-Plan, was a department of I.G. Farben — I exaggerate perhaps — and that 90% of the personnel of the Krauch office in the Four-Year Plan were I.G. employees. That is the Prosecution's contention. What do you have to say about that?

A That is, of course, absolutely wrong. I obtained my advisors from all the chemical industry. The various individual fields show that. It was clear that in the field of aluminum I called in advisors from the United Aluminum Works (Vereinigte Aluminiumwerke), which was a Reich plant. In other fields affecting the Reich office, it was the same. If I include purely academic officials, then in 1939 there were 27% from I.G. Farben. If I include all the subordinate officials who were in the state service and paid by the state, then the percentage is still lower.

Q Did this percentage increase - did it change during the war to any extent?

A Not much. It increased perhaps to 35%, depending on what problems were urgent. That depended somewhat on requirements.

Q You mentioned 27% and 35%. To give the Tribunal an impression of size, I should like to ask: how do these percentages compare to the participation of Farben in the total turnover of the chemical industry in Germany?

A It was always calculated that the part taken by I.G. Farben in the total turnover of the German chemical industry was 35% to 40%.

Q Now, in this connection, the Prosecution emphasizes the fact that I.G. Farben continued to pay a number of the people who were assigned to your office. Did other firms - not I.G., but, for example, the United Aluminum Works which you just mentioned, or the well-known chemical firm of Schering - also pay persons who were assigned to your office?

A The other firms did so in exactly the same way.

Q What was the reason for this?

A In general, the man who had a respected position in industry did not have any ambition to enter the state administration. He always wanted to return to his industry and could be induced to accept an administrative position only if he was able to be paid by industry and retain his connection with industry. In general, the state paid much lower salaries than industry did.

Q In one of our conversations about this question you gave me some examples from other countries. Perhaps you could say just a few words on that.

A There was a similar situation in England, where people were called to government work and remained in their firms. And in America it was no doubt customary for people working for the New Deal, etc., to be paid by industry.

Q Now, in this connection - the relationship between I.G. Farben and the Four-Year Plan - two statements have been submitted by the

Prosecution which I should like to discuss with you because of the especially strong way in which they were put. First of all, Dr. Kuegler's statement. He was the chemical Referent in the Reich Ministry of Economics who said that the Four-Year Plan was an I.G. plan. I shall give you the other statement too, so that you can answer both at the same time. The other is a short statement by the former Reich Minister Speer who, in his affidavit - that is, Exhibit 483 - speaks of I.G. as being nationalized. What do you mean to say about that?

A I can't quite understand Speer's statement. Speer, no doubt, did not know the circumstances of the setting up of the office sufficiently well and had perhaps been misinformed by contrary interests, so that he was misled. As far as the other case is concerned, Dr. Kuegler - who was the chemical Referent in the Ministry of Economics - I can only call that statement nonsense. It perhaps arises from the fact that the Office for Economic Expansion never had the approval of other government agencies. It was always considered competition. These men, although they in no way had any capacity to direct industry, saw in the Reich Office for Economic Expansion, with which industry liked to cooperate, a source of envy and considered it competition, so that they were not afraid to express calumnies which were not at all true.

Q Very well. Now, in conclusion, "I.G. Plan is the same as the Four-Year Plan." You say that the things connected with I.G. in the Four-Year Plan were in proportion to all the other projects discussed in the Four-Year Plan?

A It is quite wrong to see in the Four-Year Plan a purely chemical plan. At the beginning of my testimony I said that the Four-Year Plan included all of industry. Chemistry was only a small fraction of the Four-Year Plan. I spoke of food. I spoke of coal. I spoke of iron, of transportation, etc. It included, in effect, all of industry, and the sector affecting chemistry was only a part.

Q A new question: From the point of view of the Four-Year Plan

being equivalent to I.G., the Prosecution submits that you obtained official advisors from I.G. in the person of a number of members of the Vorstand. What do you have to say about this?

A That is no doubt true, since I.G. had an outstanding position in the chemical industry and especially in the development of new processes, as I.G. had a large research apparatus. Since we did not get enough people from the universities who were well trained in modern procedure, I.G. had set up research machinery in its own laboratories. It had always been the principle of I.G. to deal with big problems of the future. Other industries were satisfied with earning money and did not want to put money in new risky undertakings. I may recall something that Professor Bosch said: "I.G. is not here to give big profits to its stockholders." He said: "Our pride and our duty is to work for those who come after us and to establish the processes on which they will work."

Q Very well. Let me remind you of the experts whom you as Plenipotentiary General for Chemistry called in as advisors.

A These experts were taken from all the chemical industry. I believe there is a list of these men among the documents. The actual representatives of industry in our office were 42% from I.G. Farben. The others came from other chemical industries.

Q Will you look at Exhibit 475, Document Book 22, page 19 in the English, page 24 in the German?

Book 22, Mr. President, page 19.

What do you find there, Dr. Krauch?

A That is the list of the experts of the Plenipotentiary General for Chemistry as they were reported to Mr. Kehrl of the Reich Ministry of Economics. Mr. Kehrl made these gentlemen directors of his Group for Chemical Industry.

Q Perhaps you will look at page 2 and see how often I.G. Farben is mentioned.

A Page 2 says:

13 Jan 48-M-MB-4-4-Leonard (Int. von Schon)
Court No. VI, Cass No. VI.

QSphere of energy:

"Department of private heating plants - Jaehne of I.G. Farben.

"Department of public heating plants - Kretschmann of Rhein,
Westfaelisches Elektrizitaetswerk,

"Waterpower plants - Steiner of Alpen-Elktrowerke,

"Transmission lines - Gollhofer, of Brown, Boveri & Cie.

"Gas production, etc."

These are all people who had nothing to do with I.G.

Q Did these people work on their own initiative, or only at your request?

A Only at my request.

Q Then these experts exercised no initiative of their own?

A No.

Q What was the organization of your office of Plenipotentiary for Chemistry and the Reich Office for Economic Expansion? To be brief, just give the three main departments and the names and positions of the men who were in charge of them.

A First of all, there was Main Department One in charge of the affairs of the Plenipotentiary General for Chemistry. The head of this department was Dr. Ritter.

Q Was he from I.G. Farben?

A Yes; he had formerly been the head of the Vermittlungsstelle. I had known him for years. He had worked with me in Oppau.

Then there was Main Department Two the head of which was a Dr. Bauer.

Q Was he an I.G. Farben man?

A No; he was a pure party man who was put in there more or less to check on me. Then there was Main Department Three, which was also in charge of part of the Reich offices affairs in certain fields; fats and so forth. This was headed by Oberregierungsrat Engeroff, who was also a purely state official. He had formerly held a position in the Patent Office.

Q I shall leave this field and go back to your basic statement which you made near the beginning of your direct examination, that is to discuss the measures which you say cannot be reconciled with alleged knowledge of an intended war of aggression. Please speak first of all basically, and then we shall go into individual points.

A I realized, of course, that the armament program was a very important program of the Government, but armament is not necessarily a sign of a war of aggression. As a result of the terms of the Versailles

Treaty, Germany had disarmed all along the line. Plants connected with war production had been completely destroyed, while in other countries big armament plants were still in operation. It is therefore obvious that rearmament had to parallel the re-introduction of military service in Germany. I have never denied the fact of re-armament.

Q Now, to get down to concrete facts from which you conclude that you were not thinking of war of aggression. I shall mention what we discussed together, the production of explosives capable of being stored for a long period of time. What do you have to say about that?

A One of the most important — or perhaps the most important — explosive for military purposes is trinitrotoluol. The explosives industry had produced a trinitrotoluol which could be stored for about four years. At the beginning of 1939, people whom I know in the explosives industry came to me and said that they had worked out a process by which trinitrotoluol could be kept much longer than if it had impurities in it. The production of this trinitrotoluol which could be stored for longer periods of time would necessitate the production of much smaller quantities.

Q Dr. Krauch, I believe you must speak still more slowly.

A I just said that the production of this new trinitrotoluol involved a considerable decrease in production capacity; it amounted to about fifty percent. If previously I had been able to produce perhaps 6,000 tons in a given period, with the new process I could produce only 3,000 tons. I should like to mention that this was at the beginning of the year 1939, about February or March.

The gentlemen asked me whether there was any point in making such a suggestion, and the Ordnance Office took up this suggestion, so that the production of trinitrotoluol was immediately adapted to this new process. The production of this important explosive was considerably reduced at the beginning of 1939.

Q That is sufficient. You need not go into any more detail.

Another example which we have already discussed, but which for the sake of context I should like to bring out very briefly at this point, is the question of iso-octane. Please tell us once more very briefly what the role of iso-octane in armament was, and your opinion on this question.

A The United States very early recognized the importance of iso-octane for aviation, and especially during the war it was discovered that this substance, which is added to ordinary gasoline to about twenty or thirty percent, increases the speed of airplanes considerably. We ourselves had discovered the process by which iso-octane could be produced in large quantities. Although we had the process in our possession and although the aviation industry had a great interest in the production of this substance, I could make no recommendation, as the conditions for production seemed not at all practical. The product was rather expensive for normal times. I therefore refused to fulfill the wish of the Aviation Ministry to plan the construction of such a plant. Upon the outbreak of war, the Aviation Ministry came to me with the request that such a factory be built immediately, which of course was done. But it was two years before this factory could go into operation.

Q A third example which we want to bring out is in regard to Poelitz.

A Poelitz was a hydrogenation plant which processed foreign petroleum by hydrogenation into gasoline. The factory was built together with subsidiaries of Standard Oil, Shell, and I-G., one-third interest each. It was near Stettin. It was very poorly situated strategically, since planes could reach it very easily by flying over the sea. It was quite dependent on foreign petroleum, so that the factory could not be put into operation during the war but had to be adapted to the use of coal and tar, which took a considerable time.

Q This factory was under your charge?

A It was under the charge of the Plenipotentiary General.

Q There is also the matter of your conduct in the planning and setting-up of hydrogenation plants, Buna plants, and so forth, in Germany. From what point of view did you build these plants and what was the effect of these points of view in the course of the war?

A The measures taken for the construction and operation of these plants were on an economic basis. We wanted to have these plants near a coal supply, near a water supply, and so forth. We wanted to have plants with as great a capacity as possible, so as to keep the cost as low as possible. No consideration was given to any protective measures. The most important plants were concentrated at certain points, such as power plants, compressors; and war considerations were completely ignored. If we had wanted to build these plants for a war, they would have been built in quite a different way. They would have been protected against the enemy.

Q. Were reproaches made to you for this reason during the course of the war?

A. Yes, right at the beginning of the war; I shall mention a few examples. In the west we had built a plant for soft coal, near Wesseling; that is near Cologne. The plant was being built and was to go into operation soon. Upon the outbreak of war, the construction of this plant was halted. An expansion plan for Hibernia in the Ruhr was also canceled. There were some very unpleasant arguments with the firms concerned, who had given out their orders and were suddenly faced with the fact that the construction of the plant had been stopped.

I shall mention a third case; that was the Blechhammer plant. The preparations for the construction of the plant were finished, and construction was to begin in September, 1939. The OKW suggested that this construction be made on a war basis; that is to say, important changes had to be made in spite of the urgency of the mineral oil program, thus delaying the beginning of the construction by six months.

Of course, plants built for war purposes were much more expensive, two or three times as expensive, as plants built for peacetime purposes.

Q. Now, will you very briefly go into the reproaches which were made to you on your sole meeting with Hitler, from this point of view?

A. In May, 1944, I stood before Hitler for the first time at Obersalzberg. A number of people -- I believe there were 35 or 40 -- were present at this discussion. In the preceding weeks severe attacks by English and American forces had been made on the mineral oil plants. The discussion began with an attack by Goering upon me personally. He said it was entirely my fault that this difficult situation had arisen. He said that in building these plants "you were

guided by purely commercial reasons and not by war considerations." And he went on in the same vein. After the discussion was terminated, there was another discussion between Hitler and Goering and myself, and Goering repeated his charges before Hitler. I answered Goering by saying: "Yes, they were built for commercial reasons. The duty that I had at the time was to create work for our unemployed in the shortest possible time, and, therefore, I was interested only in building plants on a purely commercial basis. Your charge is quite true, but the motives which I had are obvious."

Q. Very well. And now, to conclude our examples, a few words about the international connections of I.G. Farben, without consideration of any intention of a war of aggression.

A. The international exchange of experiences of I.G. Farben was continued during these years, as had been the case previously, according to the contracts. I recall a visit which Mr. Howard, one of the important men of Standard Oil, paid me about the end of 1938. He asked me whether there were any objections by the Government to having this exchange of knowledge continued. He said that he had observed such phenomena in the United States: Whenever American industry -- and specifically Standard Oil -- gave information to Germany they had to inquire of the War Department in Washington whether the War Department was willing to have this information given to Germany.

I told him that we had similar arrangements. We also had to inquire, but in view of the needs of industry, and especially the export industry, these inquiries were handled generously, so that I had no misgivings about continuing the exchange of experiences in the future.

Q. On the basis of various documents the Prosecution says that the stockpiling of various materials for the event

of war served the purpose of a war of aggression. What do you have to say about that?

A. It is a matter of course that war industry must be interested in the stockpiling of certain materials which the country cannot produce in sufficient quantities. Yesterday I spoke of the economic mobilization of the United States. I remember fairly well that this program provided that various substances, such as tin, manganese, and rubber, of which the United States does not have a sufficient supply, required a stockpiling for about two years. These were considerations in the United States after the First World War. Material published in the Thirties indicated that the same efforts were under way there as in Germany, so that I quite understood that in Germany, which was very poor in raw materials, there were similar efforts.

Q. I come now to a subject, a number of facts, which the Prosecution considers particularly incriminating. There is first of all an article from your pen in the magazine "Four-Year Plan"; "Youth to the Fore", which is Exhibit No. 22, Document Book 2, English page 126, German page 123. Document Book 2. Will you please comment briefly on the purpose and meaning of this article?

A. This article published here was written by me. I was department chief for Development and Research, and I considered it my main duty to establish a close contact with science. I tried to help science in every possible way, especially to get workers for science.

In talks with important men such as His Excellency Schmidt-Ott, former education minister of the Prussian state, who had a very good insight into these questions, and also professors whom I knew well, heads of institutes, I very soon came to realize that there was a great lack of good men at the universities. The university halls, which were so

crowded when I was studying that the students had to sit on the steps and stand in the halls to hear the lectures, were empty now. In my day we had struggled for every centimeter in the laboratories, but now the laboratories were deserted.

I took the opportunity to visit institutes and was astounded to discover how empty they were. I could think of no explanation of why young people were no longer interested in research. I inquired of the high schools and asked where the young people were going today, what professions they were choosing.

To my great astonishment, I heard that eighty percent -- that was the average figure -- of the young people at the time were eager to get into military service and into the Party. No one was interested in the intellectual professions. I was quite astonished, and I inquired why the young people were inclined in this way.

I learned that it was customary for lectures to be given by officers to the young people to explain to them the importance of military service. Famous aviators whom the boys admired at the airfield came to the schools; officers came who had received the Pour le Merite in the World War; SS Standartenfuhrers came, and they enjoyed a certain respect among the young people.

They came to the schools and enthusiastically described the services. High respect was given to officers by the population. They made it clear that in this way the young man would be taken care of very well; if he went into an academic profession he did not know whether he would get a job later on or not. He had to spend money for years for his training and did not know whether he would ever have any advantage from it.

That was the reason why the young people were making this choice, and I tried to change this, to tell the young people that that was all very well but that there is another competition, with the weapons of the spirit, which is on a higher basis, and that Germany needs that especially, a peaceful competition with the other nations of the world, to protect and maintain her position in the world, and that must be the way which the young people should want to take. I then asked the various men from industry to give lectures to the high school students similar to the lectures of the officers and to describe to them the ideals which every young person should have and to inform them about what was going on in technology and science.

THE PRESIDENT: The Tribunal will rise for its recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. DIX: I ask your indulgence if I interrupt the proceedings very briefly. However, I must ask the Tribunal and the President to be of assistance to me. I named Dr. Schacht will probably not be able to come because he is sick. He wrote a letter to me and I wanted to show this letter of my witness to my client. However, the guard confiscated the letter. This is one of many incidents which make the situation unbearable for the defense and for the defendants in our dealings between the Defense counsel and the defendant and the defense as a whole. Therefore I ask the Tribunal, first of all, to rule that the letter directed to me be handed back to me. It is of course, open to the perusal of the Tribunal, and furthermore to see to it that we do not have any unnecessary difficulties in our dealings with our clients. Since I am speaking on the subject already, during the first morning session the defendants listened very concentratedly to the statements and they wrote their notes and put these notes down on the dock in front of them and then immediately a guard stopped them. I am all for order, but everything should have certain limits. Therefore, I ask that you give us your assistance.

THE PRESIDENT: Matters of this kind had better be considered by the Tribunal, informally and in chambers rather than on the record. The Marshal has handed me what purports to be the letter to which you referred, Dr. Dix, with the observation that the guard did not know whether it was some private communication passed to the defendant. He did not understand that it was some communication that you were passing. I hand it back to you and you may pass it to your client for his information if you so desire. Now, with reference to taking of notes and communications between counsel and their clients, of course we expect to be most liberal in allowing communications of that character. However there are some security rules that the military authorities deem proper. We are very solicitous not to involve ourselves in that field, but if any problem of that kind arises, if you will come to us in chambers and tell us your troubles.

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we will undertake to them so that there may be free communication between counsel and client during the progress of the trial. Here is your letter, Doctor.

DR. DIX: Thank you very much. I had instructed the guard that it was a letter directed to me.

THE PRESIDENT: You may proceed, Dr. Boettcher.

QUESTIONS BY DR. BOETTCHER:

Q Dr. Krauch we stopped when we discussed a few points with which you are specially charged by the Prosecution. To this circle the draft of your work report before the "General Council" on the 28th of April 1939. This was submitted by the Prosecution as Exhibit 455, in Book XXI, English page 54 German page 85. In this lengthy report, the political statement to be found at the end are designated as particularly incriminating against you. These are the statements, Your Honors, to be found on page 103 of the German and that is at the end of the report in the English as well. That should be approximately on page 120 of the English.

THE PRESIDENT: I think, Doctor, you will probably find it on page 106 or 107 in our books.

DR. BOETTCHER: Thank you.

THE PRESIDENT: We have it marked as having been called to our attention by the Prosecution during the presentation of its case.

BY DR. BOETTCHER:

Q Please, Dr. Krauch, give us your opinion about the statements with which you are charged especially.

A The entire report comprises a compilation about the "Koerner Plan" status and similar work which was intended for a report and actually used for a report to the General Council."

Q Tell us briefly what this "General Council" was?

A It was a briefing of the main office holders of the Four-Year Plan. Sessions were held under the chairmanship of State Secretary Koerner very frequently before the war. During the war they were inactive

since the entire direction of the economy and also of military economy and armaments economy had reverted to the Armaments Ministry of Speer.

Q Please, for the drafting of this report and what do you have to say about its final contents?

A Yes. For this report I usually had the various export consultants whose lectures were to be heard give me report about the status of their construction projects. In one of these reports that they submitted to me this final remark is contained which you mentioned just now. I cannot remember and I also asked other participants of this General Council. I can not remember that I made such a statement.

I can be certain about this for another reason as well, because I never made any political conclusions in such discussions. I confined myself to an objective description of facts that we were confronted with. I assume that one of my experts -- I might give you a few names -- inserted this part, this passage which represents the ideas of many various serious thinking persons of the time. They were worried about the irresponsible foreign policy of our government. They expressed misgivings voiced by many various persons, "Where is this road of the government leading us?" And the person concerned probably wanted to express that in this passage. The fact that he considered the situation as very serious can be seen clearly from the final words which express that under the circumstances in economy and in the armament industry a war could only bring a bitter end for us--which was actually the case.

Q. In this connection discussed by us just now, we must also speak about the participation in the sessions of December 1936, that is, October 1936. A record of these meetings was submitted by the Prosecution as Exhibit 421, Document Book 20, English page 9, German page 58, and the second meeting as Exhibit 30, Document Book 3, page 35, of the English and 50 of the German.

Please give us your opinion about these two sessions jointly since these things belong together.

That is Document Book 20, Mr. President.

THE PRESIDENT: Yes.

BY DR. BOETTCHER: On page 9, and the other was in Document Book 3, page 35 of the English.

Q. The Prosecution regarded the participation in these meetings, as well as the knowledge, as proof for the fact that you must have known about what was discussed at these meetings, and as a knowledge of warlike aggressive intentions of Hitler. Would you please give us your opinion about that?

A. The first speech which you mention was in the Preussenhaus meeting on the 17th of December 1936, when Goering and Hitler both spoke. Goering's speech, it is true, was not commented on in the newspapers, and only Hitler's speech was mentioned in the papers. From Goering's speech it was evident that he wanted to promote export, which they wanted to further under all circumstances, in order to procure the necessary foreign exchange.

Generally, there were the severe expressions that we were used to hearing in Germany about re-armament, "We must activate industry", and Hitler again emphasized that. Industry was not well liked in these circles. They were always talked about as politically unreliable and it was threatened, if they did not go hand in hand with the Government, that steps would be taken against them. That was the last moment, when industry knew that they had to be on their toes, and would fulfil this task.

In this Prussenhaus speech of Goering and Hitler I saw no indication of any planned war of aggression. It was true that they described the foreign political situation as "very serious to us". There were many participants. I believe that I saw there all prominent representatives of industry at the time, whom I knew. It was a very serious feeling and sentiment. They felt that a danger of the East was feared, and precautionary measures in Russia were discussed. The construction of airports in Czechoslovakia were intended for attack upon Germany, so that all participants, and even Geheimrat Bosch next to whom I sat, were seriously alarmed.

Q. In the session of October 1938, may I recall to you a certain expression which seemed very picturesque to me? That is the umbrella example which Goering used.

A. I know what you mean. This session took place in the Air Ministry after the Munich Pact. Churchill's and Eden's speeches had become known in London. Chamberlain also spoke. The large rearmament measures abroad were discussed, and the same reports came to us from France.

Hitler had given his speech in Saarbruecken, and the motto at the time was, "Tie your helmet back more securely after the victory!" and a serious sentiment had made itself felt. Goering spoke mainly to industry in this meeting. He used this umbrella example that you mention. He said, "If I go out for a walk and take my umbrella along, then it is sure not to rain; but if I leave it at home, then it is going to rain, and this is similar in the armament industry. If we do not enter the race of armaments, then we will have a war. They will attack us. If we enter hence, and if we are armed, then we prevent a war." Those were the words which he addressed to industry.

He briefly mentioned the Jewish question, and he said that he was not in agreement at all with the measures of force that were taken against the Jews, the destruction of stores that resulted in material destruction only. He spoke about the influences on the part of the

German Labor front, on the enterprises, where the labor front tried more and more to exert influence in the operation of the enterprises; that he had most energetically rejected this. The prerequisite for this, however, was that the industry should not be disinclined to follow the endeavors of the Government and to assist the Government in the construction of armament and so on.

Q. If I remember correctly, the Prosecution offers the records of these meetings under the aspects that they were secret and confidential meetings so that they can bring this in to support their argument that they were really aggressive wars.

A. I do not believe that these were secret meetings. The meeting in the Preussenhaus, took place in the Deputy Chamber of the Preussenhaus, which seated several hundred persons. All seats were taken by representatives of industry.

I don't think that could be classified as a secret meeting, with an attendance from all parts of the country.

Q. This seems to be a transition to the question that I must ask you in connection with the IMT judgment. Before the collapse in 1945, did you have any knowledge about the well-known 4 secret meetings dealt with in the IMT judgment according to which Hitler clearly and openly expressed his opinions in these meetings?

A. I did not participate in any of these four meetings, and did not know that they were being held.

Q. Thank you. The Prosecution charges you in the trial brief, that unlike Schacht, you did not resign from your position as Plenipotentiary General for the Chemical production, and in this connection the Prosecution says that you should have become alarmed by the extent of armament, and that therefore, just as Schacht, you should have drawn certain conclusions from such knowledge. Please give us your opinion about that.

A. I believe that Schacht was in an entirely different position from mine, Schacht was a Minister in the Cabinet. He participated in

meetings under Hitler's chairmanship. Certainly, as he expressed it himself, he knew Hitler's intentions in time. In my circles outside, the reasons for his resignation were looked upon quite differently. In public, of course, Schacht could not mention that he resigned because he feared that Hitler might be agitating for war. I believe that would have been very unhealthy for him. In our circles the reason for his resignation was generally considered as being an entirely different one.

Schacht had become more and more opposed to the Government in the financial field. He saw quite clearly the tremendous expenses which the Government had made in all fields of armament, the Reichsautobahn, the reconstruction of cities, and these expenses exceeded by far the budget, so that Germany was becoming indebted more and more. I myself regretted very much at the time that such an intelligent man as was Schacht, used this cause and reason to leave the Government, for if anyone could have helped Germany out of a financial misery, then only Schacht could have done so. It is, of course, true that people, such as myself, did have misgivings where this road would lead; I thought, and I also had it confirmed to me now, that no inflation would come which could not be controlled as we experienced it in 1922 and 1923, but that a devaluation of the mark would be carried out at the proper moment, according to an example we saw in Russia, that the indebtedness was simply gotten rid of by devaluing the ruble.

By this I wanted to express how we in our circles regarded Schacht's resignation at the time. It is these very people such as Schacht who should have stayed in the Government at the time, for it was they who could have steered the Government back upon its proper course. It is true that it would have meant much humility, and great difficulties for them, but they should have tried.

I endeavored at the time to follow the course shown to me by Bosch to remain in my position in order to "prevent nonsense", as Bosch

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expressed it, as far as possible, and to try to retain the initiative of industry. That was the reason why I remained in my position at the time.

Q. We discussed previously the question of the state priority. Please tell me, for reasons of delimitation, was Schacht's position in any way comparable to yours?

A. Certainly in no way comparable. Schacht's position was considerably higher than mine. That is quite clear. He was a Minister of the Cabinet.

Q. You had insight into the entire rearmament, or did you not have such insight?

A. The rearmament was kept very secret so that only those people knew about it who had to do with it, and it is true that Schacht belonged to that group of people since he had to finance it. I, however, only had insight into that field which concerned the plans contained in the Kerinhall Plan, and the Reich Office for Development.

Q. What was the ratio of this field of the Kerinhall Plan, in comparison to the entire rearmament?

A. It is now very hard to arrive at a figure for the final figures changed during the war, and they were not known to me in any way. It is possible that until the outbreak of the war, it might have amounted to one-fifth or one-sixth, or perhaps even less. I mean the entire 4-year plan.

Q. Excuse me, you are speaking of the entire 4-year plan, about one-fifth or one-sixth. In that again only one-fifth or one-sixth of the Plenipotentiary General's figures for production?

A. Yes.

Q. A very important discussion which sheds light on the knowledge that you had, - this discussion took place with Goering in the middle of June, 1939, on the Island of Sylt, in the North Sea where Goering was having a vacation. Would you please describe the contents of this conversation briefly?

A. I had written a letter to Goering probably in May, according to which the production terms that I had given him at the time could not be maintained because of the allocation of material. We would have delays of a year, or certainly of half a year which would change the

entire plan. At the end of the letter, I made a remark that, especially today, - that was at the time, everything should be avoided which might in any way involve us in any political entanglements, since in the sector that I had insight over, the productions would show quite clearly that a war would be undefensible.

The report to the General Council stated that one of my associates had made similar remarks, but I mentioned that previously.

Q. How did Goering react to this report?

A. After a little while Goering asked me to come to Sylt, where he usually went in the summer for recreation. He discussed this report with me, and especially talked to me about the conclusion that I had made, how I had arrived at such an idea that a war might happen, and I told him that the times were very serious, and that I was somewhat under the impression that the Munich agreement was not being kept since Germany had invaded Czechoslovakia and that from foreign sources I had gained the impression that the foreign countries would not countenance any further political entanglements, and that they would make war on us. The motto of the day was, "Stop the aggressor" and that could be seen in all of the newspapers. The opponents with whom we might have gotten into trouble were in the east. Goering asked me at the time "If we do have a war with Poland and Russia, do you believe that France and England will fight on the side of those countries". I answered that in the affirmative at the time, and I proved that by pointing to the visit of the English General staff officers, and French General Staff Officers in Moscow, who were present for military discussions in Moscow at the time.

Goering thought that he was informed differently from the foreign office. Of course I could not understand that at the time. And he said, furthermore, "You don't have to worry about a war. There won't be any". My opinion had been confirmed by a visit of the Swedish business man Dahlerus, who was a witness in the IMT trial. Dahlerus was an acquaintance of Goering. Goering had relations with Sweden because of his first wife. Goering had sent Dahlerus to me and he discussed the development of a

new heavy lubrication oil motor with me. He told me about the Englishmen who were interested in this motor, whom he had visited previously and he mentioned, that he had had an opportunity, on Goering's behalf, to speak with Chamberlain, the Prime Minister of England at the time. He said that Chamberlain had made only the best of impressions on him. He said that Chamberlain was a friend of Germany, who wanted only the best for Germany; that Germany, however, should now do everything in order not to endanger the prestige of the gentleman through a new political adventure, because this factor would certainly be used by the English government to overthrow Chamberlain's government, and too, that the succeeding government would go an entirely different direction so far as Germany was concerned.

Q. What was the conclusion of your discussion with Goering?

A. Goering told me that he had to make a long trip; that he would come back during September, and that he would then call me to see him in Berlin to discuss the further drawing up of the plan, and the allocation of materials.

Q. You spoke about Hitler's steps that he took against Czechoslovakia. In that connection the Prosecution offered Exhibit 104, which is to be found in Book 5, the second part. That is a very thick volume, and the Prosecution asserted that from this document, which contained the so-called Gruen Plan, you should have known about plan. This contained the directives of Hitler, which he issued on the 30th of May, 1938, according to which he wanted to attack Czechoslovakia not later than the 1st of October, 1938.

Please tell me what you know about this document.

A. The contents of this document were not known to me in any way. It was a document known only in a very intimate circle of confidants perhaps only the circle of the large general staff, but certainly had nothing to do with people from industry, such as myself.

Q. When did you learn about this document?

A. I learned about it here in Nurnberg.

Q. Another document, that is Exhibit 471, Document Book 22, on page 7 of the English, and also of the German. This is in regard to the aggressive war against Russia. The Prosecution asserts also that in your position you should have known about the memorandum about the effect of an Eastern operation. Is that true?

A. This is not true at all, and in no case.

Q. When did you learn about this document?

A. I got it here in Nurnberg for the first time.

Q. In conclusion, what do you have to say about your position as Plenipotentiary General for Chemical production? How did this progress develop during the war?

A. The disposition about materials, and the direction of labor allocation and the classification in the priority stages reverted entirely to the OKW, agency which was entirely predominant during the first part of the war. More and more we felt the influence of the armaments industry under Todt, which was given Plenipotentiary powers when Speer was charged by Hitler with directing the Armaments Ministry so that the military concerns of the Army Ordnance office reverted entirely into the hands of the Armaments Ministry. Afterwards persons of the Army Ordnance Office were transferred to the Ministry of Armament in order to undertake the direction of the Armament program, and Speers joined the Central Planning Board at the time, shortly after he entered the Armaments Ministry from where the direction of raw material allocations was also carried out, and the requirements were also handled which the Karinhall Plan and the Reich office needed.

Q The later change in organization took place in Obersalzberg after the discussion with Hitler that you have already mentioned, isn't that true? Please tell me a few things about that?

A Geilenberg was charged, upon Hitler's orders, with reconstructing and developing the plants under the Karinhall plan. The entire direction was given to this man and he also had plenipotentiary powers to give directives which I never had. This meant that I had become a mere technical consultant, upon the express desire of Speer, who charged Geilenberg with consulting my advice in chemical matters previously, since Geilenberg was a very able engineer but not a chemist.

Q In the question of a war of aggression, were you ever concerned with experiments about the atomic bomb which would have been quite thinkable in your position in the Reich Office for Economic Expansion.

A This certainly would have been very likely because I was a senator and a member of the Vorstand of the Kaiser Wilhelm Institute which carried out the experiments for the production of the atom bomb, but they first of all made experiments about the splitting up of uranium.

Q Were you consulted or were you not?

A In no way at all. On the contrary, the government instructed the Kaiser Wilhelm Institute to give me no information at all about these experiments and in the case of conferences when the Kaiser Wilhelm association discussed the status of these experiments with the officers of the various branches of the armed forces, Party member, etc., perhaps fifty, sixty or even one hundred persons, I was not invited although I was a member and even a member of the Vorstand of the Kaiser Wilhelm Association.

Q The reasons for this attitude?

A Of course, I wondered about this and I tried to find out the reason. The answer was: "You are well known as a man of international relations, especially to United States firms and it is feared that through some way, if you are informed, these experiments might get into the hands of the foreign countries and that might, of course, compromise

the secrecy."

And another reason: At the beginning I had expressed my opinion about the development of the atom bomb. I considered the dangers the development of this problem would harbor, especially if this problem should fall into the hands of irresponsible persons. I could imagine that such a problem, which may perhaps some day become the curse of humanity, should be controlled most stringently and I had, at the time, explained to the President of the Kaiser Wilhelm Institute in a personal conversation that I considered it irresponsible at such a stage to inform parts of the government about this state of affairs and the status of the experiments - people who treated the development of this problem only from the propaganda angle and who considered it as a means for publicizing it among the people and to prolong the war and to even ask more sacrifices of the people that had already made enough. It was characteristic that during the last days of the war, ten days before the American troops entered Augsburg, the Gauleiter of Augsburg, Schwaben, said to his propaganda people that they should spread the information that Hitler was now ready to use his atomic bomb which would decide the war, although this, of course, was not true at all. That was another way in which they prolonged the war.

Q Let us come to a new subject, your attitude at the end of the war. As we all, so will you also remember that at the end of the war extensive demolitions had been ordered by the Reich government in order to carry out the so-called "scorched-earth policy." In this connection, orders were issued and also to you, as I would assume. How did you deal with these orders?

A We also had such orders issued to us that were supposed to be passed on to the chemical industry. The Allies were about to enter the Rhineland. The Palatinate was just being occupied. The Ruhr area was occupied, and an order of the government which emanated from Bormann, as far as I know, was issued, according to which Gauleiters and Kreisleiters were responsible for demolishing all plants before they

were occupied by the enemy. I held back this report in my office. It had arrived at the beginning of November. The plants were, of course, now visited by the Gauleiters and Kreisleiters, who had also been given this directive to orient and inform these plants. I told the people at the plants not to execute this order; that I was still negotiating with the Armaments Ministry so that more comments could be made about the issuance of these orders. When the requests of the Kreisleiters became more urgent and when I could not, of course, have any contrasting order or opposition order to the order of the government, I went to the industrial area and talked to the plant managers personally. I told them: "Under all circumstances you must avoid that after the conclusion of the war we should have destroyed the tools with which the workmen could create his further existence. If you are asked by the Kreisleiters to destroy anything by explosives, then blow up some old barracks and tell them that was an important part of your plant." The instruction had further arrived that all workers should be evacuated from the plants when the Allied troops approached and brought into the interior of Germany, together with the experts. I told them: "This order cannot be executed either. This would create disaster. The chiefs of the plants must remain there. With their workers, they must protect the plants from demolition, come what may."

Q Dr. Krauch, one question in this connection. It was, of course, very risky, what you were doing?

A Yes.

Q How do you explain that it was still possible to resist these orders in this way?

A I wanted to be able to take responsibility for the contrary order that I had issued, and in the course of the Spring, I went back to Berlin after I had spoken to these plant leaders and I told Speer exactly what I had done. Speer told me: "You have acted according to the sense of my order. This contrary order issued by you, however, must be taken on your own responsibility because I could not do that."

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During the last days, I was able to exert my position with Hitler that Hitler should change this order and take it back and should leave it up to the Minister of Armaments to give his own executive measures so that Speer was now able to have plenipotentiary powers and no longer Bormann who had had them up to that time, but it was, of course, a heavy risk all during this previous time that if my contrary order had become known, serious steps would have been taken against me.

DR. BOETTCHER: Mr. President, I have reached a definite breaking-point. Would it be convenient to you to take the recess?

THE PRESIDENT: The Tribunal will now rise until 1:30.

(A recess was taken until 1330 hours, 13 January 1948).

AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: We should like to say to counsel for the Prosecution and the Defense alike that recent experience has indicated about the busiest time of the day for the members of the Tribunal are our recesses. We have so many demands from administrative agencies as well as counsel that we don't look upon recess as a time of rest any more. It's really the most strenuous time of the day for the members of the Court. You will help us very much hereafter, if you do have occasion to see us - and that applies alike to both sides - kindly speak to our Marshal about it and see how our schedule is arranged, because we do have certain commitments of administrative officers coming to see us that we must necessarily complete. There is certainly no disposition on the part of the Tribunal to close its doors to any requests for conferences to any member of counsel staff, but we will appreciate it if you will allow us to have as much privacy as possible, and that if you desire a conference for anything you deem important, if you will speak to the Marshal and see how our schedule is arranged. We will appreciate that cooperation.

You may proceed, Dr. Boettcher.

DR. BOETTCHER: Mr. President, perhaps you would like to know what my schedule is. I believe that I will either be finished with the examination of Dr. Krauch this afternoon at 4:30, or require about an hour tomorrow. I have consulted with Mr. Dubois and Mr. Sprecher. There are three witnesses to be examined after this. Since one of these witnesses will be available only tomorrow because the American Military Government has an appointment with him in Mannheim, Mr.

Dubois and Mr. Sprecher agreed that, as soon as the examination of Dr. Krauch is finished, the examination of these witnesses will take place, and that will take most of Wednesday. After that, there will be an examination of Dr. Krauch by my colleagues and the cross examination by the Prosecution. That will fill out Thursday and perhaps Friday. After that, I will offer documents.

THE PRESIDENT: Very well. The Tribunal is very glad to be advised of the program that you have in mind, Dr. Boettcher, and I do not think it will be amiss for me to say, on behalf of the Tribunal, that we appreciate very much the expeditious and direct manner in which you are presenting your proof and conserving your time as well as ours.

MR. SPEICHER: Mr. President, there seems to be one slight misunderstanding, and I think it is solely because we assumed one thing and Dr. Boettcher assumed the other. The Prosecution did not mean to agree that the examination of the defendant Dr. Krauch by all defense counsel should not be finished before these other witnesses came on. We felt that if there was going to be a break for the convenience of defense because of some problems they have with witnesses it should occur at the end of the direct examination by Dr. Boettcher and by all defense counsel.

THE PRESIDENT: That would ordinarily be proper. However, I think counsel for the Prosecution would concede that if there is some problem on account of a witness not being available later that we might use a witness out of turn. Certainly

MR. SPEICHER: I don't think that's a very serious problem. Mannheim can wait another day with respect to Dr. Schieber if that were to be a substantial problem.

THE PRESIDENT: Well, we'll meet it when we reach it.
Proceed, Dr. Boettcher.

MR. SPENCER: Mr. President, there was a second point which I just wanted to make clear. The document books of Dr. Boettcher for the defendant Dr. Krauch contain affidavits from each of the three witnesses who were mentioned -- that is, Milch, Schieber, and Ehmann -- and since we haven't gotten those in English, I had asked Dr. Boettcher if he intended to introduce them because then, of course, the question of cross examination concerning those affidavits would arise, and Dr. Boettcher stated that the defense did not intend to introduce those affidavits and instead desired to have open examination in court, and that's one reason we were able to agree so far as we thought we did agree.

THE PRESIDENT: Very well.
You may proceed, Doctor.

KARL KRAUCH - Resumed

DIRECT EXAMINATION - Continued

BY DR. BOETTCHER:

Q Dr. Krauch, I need not repeat anything since, before the noon recess, we had concluded one chapter.

I shall now take up with you the question of your appointment as Wehrwirtschaftsfuehrer. When did you receive this appointment?

A In 1938. I was appointed by the OKW.

Q Will you please explain the importance of this appointment in connection with the waging of a war of aggression?

A The appointment as Wehrwirtschaftsfuehrer was rather thoroughly documented. One could see that this was a sort of general staff officer for economy. The course of events shows that the appointment as Wehrwirtschaftsfuehrer was more or less

a formality, perhaps a sort of distinction. I realized the actual functions of this position only after I learned of the war economy officers which existed in America. These were recognized specialists from industry who were mobilized by the state, men who were to combine the status of a business leader and an officer whose duty was to his country. They were intended as economic general staff officers. In Germany the direction of war economy was in the hands of the Military Armament Office under the OKW. In America it was no doubt different, but the course of events in Germany did not let the Wehrwirtschaftsfuehrer have any great importance. It was only a distinction - a formality.

Q By virtue of this appointment did you ever have any actual functions? Were you ever called upon for any duties?

A No. One received the document and that was about all there was to it.

Q Then I can leave this point.

Now, I should like to discuss briefly the question of your entering the Party, the National Socialist Party. Will you tell the Tribunal for what reasons and in what connection you entered the Party?

A I entered the Party in the Summer of 1937.

Q On your own initiative?

A No. A representative of the Heidelberg District Office (Kreisleitung) appeared at my home and told me that the Gauleiter had put me on the list of Party members and, that for this reason, I had to be considered a Party member.

AFTERNOON SESSION

Q Why did you not refuse? Why did you not protest?

A I was already working in the Four-Year Plan. I had several points of disagreement with the Party; their attitude toward the church and toward the Jews I disagreed with completely. I had sympathy with their social provisions, the benefits given to the workers and the farmers, the improvements for labor, and so forth. But there were still other points of disagreement.

On the other hand, I had a position in the Reich Office for Economic Expansion from which I could exert a certain influence on the economy. I don't believe it would have been appropriate for me to alienate myself from them politically. I would not have been able to hold this post any longer, and there certainly would have been difficulties.

Q What was your relationship to the Party? What happened after you entered the Party?

A I did not take part in any Party functions although I was repeatedly requested to do so. I did not attend any of the Nurnberg Party rallies. The heads of the Party met every year for a few days in Nurnberg, where speeches were made and the program for the coming year was proclaimed.

Q In the course of the years, did facts arise which indicated that the Party did not have any confidence in you?

A That was shown in several ways. There were some incidents. First of all, I shall cite a talk with Minister Todt, who told me what the Party attitude was toward I.G. Farben and showed me a whole volume of denunciations which had been received by Reichsleiter Bormann, containing charges against the heads of I.G., including myself.

Todt wanted to give me those charges to read in the

presence of a witness, but I refused. I said that I.G. did its work, that the leaders of I.G. -- Professor Bosch was still alive -- were opposed to a number of the Party measures and criticized them; I said I could imagine that these charges against I.G. dealt principally with this criticism of the Government and the Party by I.G. Farbon.

Q Another example?

A In these same years, at my home in Heidelberg, my whole library was searched by the SD while I was away from home. Apparently they were looking for writings opposed to the Party. They found nothing on this occasion -- but I am sure that they did not find any writings that were friendly to the Party either.

Q Now, I should like briefly to discuss with you the attempt of the Party to put Party members on the Vorstand and Aufsichtsrat of I.G. Farbon. Please describe the time, the man who expressed this wish, and the result.

Q There was a talk with Gauleiter Springer, in whose Gau the main office of the I.G. at Frankfurt, was situated. He called me to Frankfurt one day because he said he had a very important matter to discuss with me. At this time Gauleiter Springer informed me that Government circles were quite dissatisfied with the political attitude of Farbon toward the Party. He, Gauleiter Springer, was responsible to Hitler, he said, for the political reliability of business and industry in his Gau. He had to say quite frankly that men like Geheimrat Schaitz, Dr. ter Meer, and Dr. von Schnitzler did not have his confidence. As Gauleiter he had to demand that these men be replaced by others who were in favor with the Party. He mentioned a number of names. Some of these men I know and knew that they were friends of

the Party. They were possible substitutes for these three men.

Q. We are not interested in the names -- just tell us about the result.

A. He added that the Aufsichtsrat, many of whose members were members of the families of the founders of I.G. Farben, would have to be replaced by other men who were more closely connected with the Party. I answered by saying that men like Geheimrat Schmitz, Dr. ter Meer, and Dr. von Schnitzler were great experts in their fields. If these gentlemen, according to accusations which he perhaps knew of, had reason to criticize the Government, that was no doubt exactly the same attitude that I myself had. I said that I had to agree with these gentlemen in their viewpoint, and that for that reason I had to refuse to undertake any such step as Chairman of the Aufsichtsrat.

Springer left the room without saying good-bye.

Q. There was a similar attempt in connection with the name of State Secretary Brinckmann. Will you please explain to the Tribunal what the name Brinckmann meant at that time?

A. State Secretary Brinckmann was the first man in the Ministry of Economics, after Funk. One day he asked Geheimrat Schmitz for an interview, and Geheimrat Schmitz invited me to attend. At this time Brinckmann said that it would no doubt be desirable for Farben if, in the leading positions of the Aufsichtsrat, there was a man who was agreeable to the Government and the Party. He knew, he said, that I.G. Farbenindustrie was much disliked in Party and Government circles and therefore it would be a good thing for Farben to have a Party man in its administration.

Both Geheimrat Schmitz and I refused this suggestion of State Secretary Brinckmann. We refused to undertake any steps to put him in the Aufsichtsrat of I.G. Farben.

Q In order to make the chronology quite clear, when did these discussions and attempts take place?

A This was in the years 1941 and 1942.

Q Another question. The so-called Himmler Circle -- you know of that?

A Yes.

Q Did you ever receive any invitations to attend this Himmler Circle?

A Yes; a few times.

Q Did you attend?

A No, I did not accept the invitations.

Q Now, a few words about your contributions to the Party. Did you recall any figures?

A I looked them up and discovered that I contributed 1200 Marks per year to the Party, which was in a certain proportion to my income and was more or less set.

Q You did not make any other large contributions?

A Not to the Party but to charitable institutions, such as Winter Relief, aid for women and children, the Red Cross, and so forth.

Q Now, a few questions about I.G. Farben's donations to which the Prosecution has repeatedly referred.

DR. BOETTCHER: Your Honors, may I make a brief preliminary remark? I am not going into this question very deeply, to avoid repetition, since one of my colleagues intends to expatiate on this question for Farben. I am only asking as far as it concerns Dr. Krauch.

THE PRESIDENT: Very well.

BY DR. BOETTCHER:

Q Dr. Krauch, the indictment speaks of the donation of February, 1933, made by I.G. Farben. Did you have anything to do with it?

A No, I had nothing to do with donations.

Q Under whose authority was the payment of such sums?

A That was under a committee of the Verwaltungsrat of I.G. Farbenindustrie which had existed for this purpose for years.

Q And you did not belong to this Verwaltungsrat?

A No.

Q About how long did the Verwaltungsrat deal with those questions?

A Until the Verwaltungsrat was supplanted by the new corporation law; that was 1938.

Q Who was authorized to pay out donations after the reorganization under the new corporation law?

A In general, such donations, unless they were paid by the plants themselves, which occurred only in the smaller plants, were handled by the Central Committee.

Q Did you attend such meetings of the Central Committee from 1938 on?

A No, as I said this morning, I did not attend any official meetings of I.G., such as the Working Committee, or Central Committee, after I entered the Raw Materials and Foreign Exchange Staff.

Q In the Prosecution case there is talk of donations in 1940 and later. What do you have to say about them?

A Just what I have just said: I had nothing more to do with these donations.

Q Were you informed about the payment of such donations?

A No, in general I was not.

Q There was a donation of about 100,000 Marks made by Geheimrat Schmitz. Will you please tell us what you heard about this matter?

A I believe you mean the donation made to the SS?

Q Yes.

A I believe it was Christmas, 1941, when Geheimrat Schmitz visited my family and told me that he had been asked to make a donation of 100,000 Marks to the SS. Geheimrat Schmitz and I discussed this donation and came to the conclusion that the SS was a political unit of the Party and that we had no interest in making contributions to political organizations of the Party; and therefore we decided that we should refuse. A few weeks later I happened to meet Geheimrat Schmitz and he said that it had been decided to make this payment after it had been learned that it was to be used for charitable purposes, that is, for the care of widows and orphans of SS men. He pointed out that we were trying to help Geheimrat Otto von Weinberg, a non-Aryan, who had fallen into the hands of the Gestapo, and I.G. Farben was trying with all possible means to have Geheimrat von Weinberg released.

Q Will you please explain to the Tribunal who Mr. von Weinberg was?

A He was a very influential member of the Verwaltungsrat. He was a very highly respected scientist, not only in Germany but also abroad. He had been an officer in the First World War, had received high awards, was a highly respected man in all parts of the population; very philanthropic; had many interests and helped many people, helped science in every way, and was very highly respected.

Q How did he come into conflict with the National Socialist regime?

A He was a non-Aryan, and as a result he was subject to the Nurnberg Laws, and perhaps he had some disagreements with the Party besides that; so that one day he was arrested by the Gestapo.

Q And now, what does the intention to save Mr. von Weinberg have to do with the donation?

A On instructions from the Vorstand and Aufsichtsrat of Farben, I had sent a letter to Himmler which pointed out the great services of this man, the great esteem in which he was held everywhere. I had actually thought that he might find a different solution for the whole Jewish question, that there might be a discussion with Himmler and those circles which were so violent in the Jewish question. This letter was sent to Himmler, but I received no answer. So Geheimrat Schmitz and I were both of the opinion that this donation might perhaps be the way to have Mr. vonWeinberg released.

Q Then we can leave this point too. Now, among the donations were also the birthday presents which Goering received from Farben. They have already been discussed once before this Tribunal when the witness Gritzbach was examined. Tell us something briefly about them.

A The birthday presents given by Farben to Goering were objects of art, the value of which has been discussed here: Fifty-, sixty-, seventy thousand marks; pictures, statues, and so forth. Gritzbach usually called up the Secretariat, sent an invitation to the birthday meal to Geheimrat Schmitz and myself, and regularly said that Goering would be specially happy to receive such-and-such an object of art, which was specifically mentioned, as a birthday present. This was a delicate hint which we had to follow, and we gave Goering the present that he wanted for his birthday.

Q Then you consider Gritzbach's testimony incorrect?

A I consider Gritzbach's testimony incorrect. This is confirmed by an affidavit or a document given by General Wolff, in which he mentions this method of getting presents.

Q I shall not have to ask the witness; I shall just remark for

the record that this testimony of Wolff's is contained in Exhibit 1582, Book 91, English page 14, German page 16.

Thus, Your Honors, I conclude the questions on Count I of the indictment. I now come to Count II, Plunder and Spoliation.

Dr. Krauch, you are also charged under Count II, Plunder and Spoliation. Will you please comment first of all from the point of view that you were a member of the Vorstand, or of the Aufsichtsrat of Farben? First in your capacity as member of the Vorstand until spring, 1940.

A As I explained this morning, from April, 1936, on I did not attend any more meetings of the Vorstand, nor did I attend any meetings of the Technical or Central Committee, and so forth. I was not informed, therefore, about any agreements or plans which were discussed at such meetings. In May, 1940, after the death of Prof. Bosch, I became chairman of the Aufsichtsrat, but on the whole I did not attend the meetings of the Aufsichtsrat either, for reasons which I explained this morning. I believe that in the entire period I attended only two or three meetings of the Aufsichtsrat. This was usually when some honor was to be bestowed by the Aufsichtsrat, when a speech had to be made, when there was an anniversary or a birthday, or some memorial service for a dead member. That was on two or three occasions.

Q Now, what about the attitude toward the exercise of your functions in the Aufsichtsrat. What did your colleagues in the Aufsichtsrat and the Vorstand feel about your attitude?

A I believe that the men in the Vorstand and the Aufsichtsrat quite understood my attitude. For reasons mentioned this morning, they avoided exposing me to conflicts of conscience. In many cases my objectivity seemed to go so far that they preferred to go to other agencies rather than to me because they were not quite certain whether from objectivity I might not act in a manner harmful to the interests of Farben.

Q Now, who took your place and presided in the Aufsichtsrat?

A The meetings of the Aufsichtsrat were usually presided over by

Dr. Kalle or, if he could not attend, by Dr. Gaus, his deputy.

Q To sum up, you are of the opinion that in your capacity as a member of the Vorstand and Aufsichtsrat of Farben you are not responsible for all the transactions falling under Count II?

A Yes, I believe I can say that.

Q Now, I intend to discuss with you specific questions falling under this count.

In Exhibit 1134, Document Book 55, English page 34, German page 54, the Prosecution mentioned a trip made by Dr. Poland with the defendant Dr. Wurster to Poland in October, 1939. Notes have been submitted made by Dr. Wurster concerning this trip.

Please tell us what the occasion for this trip was.

A This trip of Dr. Wurster's and Dr. Poland's was not authorized by me as Plenipotentiary General for Chemistry or provisional head of the Reich Office for Economic Expansion.

Q Who ordered it?

A It was the result of an inquiry by the Reich Ministry of Economics.

Q. Why did the Reich Ministry of Economics come to you?

A. The Reich Ministry of Economics no doubt wanted to know, after the war with Poland was finished, what the conditions of the chemical industry in Poland was. The chemical industry had been in the theater of operations, and the Ministry of Economics wanted to know whether these plants had been destroyed or whether they were still in operation or could be put into operation. I had therefore been asked whether I would send a representative there who was familiar with the industry. It was considered especially important that he should be in uniform, because he had to go into an area which was in a sense still a military operations theater and would have to deal with military authorities. Dr. Poland was a reserve officer, an officer of the Luftwaffe, and wore the uniform of a captain.

Q. We shall not go into the contents of the notes. They have already been discussed. Only one question. Was this trip of Dr. Poland and Dr. Wurster the occasion for any official measures?

A. I did not hear that any measures were taken by the Ministry of Economics as a result of this trip.

Q. Did you yourself see these notes of Dr. Wurster's?

A. Here in Nurnberg. I never saw them before.

Q. A new question. Your membership in the Aufsichtsrat of the Continental Oil A.G. (Kontinentale Oel-A.G.), which the Prosecution considers incriminating. First of all, is it true that you were a member of the Aufsichtsrat of this company?

A. Yes, that is true. It was a very large Aufsichtsrat. I believe there were twenty-seven or thirty people.

Q. You yourself held shares in this company?

A. Not as a private citizen.

Q. Did the Reich own shares in this company?

A. Yes, to quite a large extent. As far as I know, the Reich owned half of the stock, but at the same time it had a fifty-fold voting right in decisions, so that the other stockholders in effect had nothing to say.

Q. Did Farben own any part of Continental Oil A.G.?

A. Yes.

Q. Do you know to what extent?

A. As far as I recall, I.G. owned three to four per cent of the stock.

Q. Can you tell us, very briefly, how it came about that Farben owned this Continental Oil stock?

A. Like all companies producing mineral oil, Farben was asked by the Ministry of Economics to acquire this stock, was actually almost forced to.

Q. Why?

A. The Reich wanted to have all the oil interests together in this company.

Q. For what purpose?

A. So that later the Russian oil deposits could be exploited and made accessible for German conditions.

Q. Dr. Krauch, I believe you made a mistake. You didn't mean the "Russian" oil deposits?

A. The Rumanian, Hungarian, Polish oil deposits.

Q. Don't you mean the Austrian ones?

A. Yes, it might be Austrian.

Q. When was the Continental Oil Co. founded?

A. I believe it was 1941.

Q. Do you know the date, the time, approximately?

A. I cannot say exactly.

Q. Can you mention any other companies which owned stock in Continental Oil?

A. Brabag, German Petroleum Co. (Deutsche Erdölgesellschaft), Wintershall A.G., then the banks which had financed the other oil companies.

Q. Tell us very briefly something about the management of Continental Oil, especially the influence exerted by the Reich Ministry of Economics?

A. The ministry of Economics, since the Reich owned part of the stock, had the decisive influence in the instructions which were issued by the Vorstand of Continental Oil.

Q. Can you give a practical example?

A. The assignment of various Aufsichtsrat members to the Vorstand, the instructions given for production.

Q. In this connection, may I put to you Exhibit 1565, Document Book 64, English page 22, German page 24? Will you look at it, please? It is the second one from the end.

A. I don't find it, Dr. Boettcher.

Q. Book 64. Do you have it? Dr. Krauch, I understand that you don't have the complete document. Do you recall what I am talking about, the business report?

A. Yes, measures which were taken after the occupation of the Russian territory. That is what you mean, isn't it?

Q. Yes. Will you comment on that, briefly?

A. Yes. There were instructions from the Ministry of Economics that after the occupation of the Russian petroleum area the necessary measures to be taken in the petroleum area would be taken by the Continental Oil Co. by the creation of subsidiary companies.

Q. That was an order of the Reich Ministry of Economics?

A. Yes, that shows that the measures to be taken by Continental Oil were based on government instructions, that is to say instructions of the Ministry of Economics.

Q. You just said that within the framework of the organization of this company there were further facts which justified the conclusion that the functions of the Aufsichtsrat deviated from the customary form. Will you please explain that?

A. Two members of the Aufsichtsrat who were in close contact with the Ministry of Economics were put in the Vorstand of Continental in order to see to it that the measures ordered by the Ministry of Economics were carried out.

Q. Who were these men?

A. Dr. Brockhaus, who came from a German oil company, the Dowag; and Dr. Fischer, who had left Farben and was a Referent in the Ministry of Economics for oil questions.

Q. Was such a procedure, sending members of the Aufsichtsrat into the Vorstand, customary in Germany?

A. In general, it was not.

Q. What significance did you attach to this assignment of Vorstand members to the Aufsichtsrat - I mean, assignment of Aufsichtsrat members to the Vorstand?

A. That must mean that the functions of the Aufsichtsrat were eased, because the management of Continental was put into certain hands.

Q. Now a few material questions. Did Continental Oil do anything to produce petroleum in Russia?

A. No, the territory was conquered, but all oil wells and the factories which processed the oil had been thoroughly destroyed by the Russians before they evacuated the area.

Q. Did Continental Oil do anything to restore these oil wells which had been destroyed by the Russians?

A. Of course plans were immediately made to get these wells running again and to get the necessary products from them, but this was never done, because this area remained in the theater of operations, and it was not possible to do any economic reconstruction work there.

Q. Do you know of any facts in this connection which you, from a purely human point of view, would call plunder and spoliation?

A. No.

Q. I shall go on to another subject. That is, Norway. The Prosecution charges you with especially active participation in alleged plunder and spoliation in Norway. What do you have to say about that?

A. After the occupation of Norway, the plan very soon came up that the water power facilities of Norway be expanded and put to work for industry. The sources of coal in Europe, including Germany, were limited and could not last too long, and it had been an international problem to make these sources of water power available for the public benefit, to solve the problem of obtaining power.

Q Dr. Krauch, to make this a little briefer, limit yourself to the light-metal problems. I remind you of the word "Koppenberg." Let us make this as concise as possible.

A Koppenberg had received authority from Goering to exploit the sources of water power there for a big light-metal expansion project.

Q Why Koppenberg? Who was Koppenberg?

A Koppenberg was the Director General of the Junkers plant, the biggest airplane plant, which was the main consumer of aluminum in Germany. He was of course interested in securing the aluminum supply for the Luftwaffe and no doubt agreed with Udet, who was in charge of supplies for the Luftwaffe. They undoubtedly worked out this idea of setting up aluminum factories in Norway.

Q Why did Koppenberg come to you?

A Koppenberg knew that the important process in the field of light metal, specifically aluminum, had been discovered by Farben during the First World War. In the First World War, Farben had participated in the expansion of the aluminum plants in Lauta, and the important men like Dr. Fulda and others were directors of the Lauta Plant. Koppenberg of course also knew the work in the field of magnesium, so that it was quite natural for him to go to Farben to get technical assistance to build up these factories.

Q He talked to you about the matter also?

A Yes.

Q What did you say to him?

A He asked me to support his request, and I agreed to do so.

Q Did you or Farben supply experts for his purposes?

A Farben was willing to assign a man in this field, probably as a result of my advocacy.

Q Whom did you offer from your office?

A That was an expert in my office, Dr. Neukirch, who had nothing

more to do since aluminum had been transferred from Germany to Norway, and who was now used to help the construction up there.

Q Who was the man supplied by Farben?

A Dr. Moschel, from Bitterfeld.

Q You had visits from Norway too in this matter. What do you have to say about them?

A The General Director of the Norsk Hydro Nitrogen Works, whom I had known for years, Dr. Axel Aubert, visited me and told me that he had received instructions from Koppenberg that he and his firm Norsk Hydro were to participate in this aluminum program. Dr. Aubert's point of view was that he considered this big aluminum expansion program economically unsound. He considered that this was only for war purposes, which is the only time when there is such a large consumption of aluminum. I asked him what he would do in response to Koppenberg's suggestion. He described his difficult position. He said that he did not believe that he could evade the suggestion, since otherwise in view of the hostile attitude of the Reich Commissioner of Norway, Dr. Terboven, against the Directorate of Norsk Hydro there would be compulsory measures taken, that is to say that the Directorate under Aubert would be removed from office.

Q I don't want to go any further into this matter. This will be dealt with by someone else. But you said there were negotiations with Farben which led to a certain result and which were reversed by state intervention. Very briefly.

A Aubert expected certain results in the field of magnesium, by way of expansion. He said that he considered it absolutely necessary, however, that Farben participate in this expansion because he expected protection against Reich Commissioner Terboven. I told Aubert that that was right and that he should get in touch with Farben himself, which he did. He arrived at a plan which was ready to go into operation, and Koppenberg turned up and said that the Reich would have to have some

part in this project through the financial administration of the Aviation Ministry. A company was formed composed of Norsk Hydro, Farben, and the financial department of the Aviation Ministry, each having one-third participation.

Q Were you present at the negotiations of Farben with Norsk Hydro?

A No, I was not present at these negotiations.

Q I shall leave this point. I should thereby like to discuss two examples. One is Exhibit 586, Document Book 30, English page 67, German page 84. That is a letter from Farben Bitterfeld to Geheimrat Schmitz and Dr. ter Meer, 23 October 1940, urging Farben to promise technical assistance. What do you have to say about this?

A As far as I can see now, this letter agrees in general with what I have said. The technical aid to be supplied by Norsk Hydro is emphasized, the creation of the company is mentioned. There is nothing else. Alumina is mentioned. I had not mentioned before a project which was brought up by Aubert.

Q Did you consider these actions plunder and spoliation?

A I believe not. You would have to accuse Norway of spoliation, because German machinery was taken to Norway, not the other way around.

Q A report of Mr. Moschel, of 19 October 1940, on this Norwegian plan, at the end says: "Professor Krauch is of the opinion that here" -- that is, in the participation -- "there is an economic opportunity in the field of armament for Farben." This statement is considered incriminating for you in connection with plunder and spoliation. What do you have to say?

A I do not believe that I could have made any such statement to Mr. Moschel. Mr. Moschel is no doubt guilty of wishful thinking here. He was the man who was put in the Directorate of this new company, and he no doubt had occasion to safeguard as large an area for himself as possible. I know of the agreements which existed between the A.W. and Farben.

Q What is the V.A.W.

A That is the Vereinigte Deutsche Aluminiumwerke, the United German

Aluminum Works, the stock of which was in the possession of the Ministry of Economics after Farben had been eliminated after the war.

Q What kind of agreements were these, and why do you disagree with the formulation chosen by Mr. Moschel?

A These were agreements regarding the extent of expansion in the future, in the country as well as abroad. In these agreements, as I know it was said that all plans for new construction were to be eighty per cent V.A.W., ten per cent Farben, and ten per cent Metal Company (Metallgesellschaft). The construction program was set and could not be changed by contract. So that the participation of Farben was already set for Norway too, and not, as Moschel perhaps wished that Farben could have taken over the entire program.

Q. Now, finally, the last document on this point, that is a very thick document. Exhibit 590, book 30, page 78 in the English, page 89 in the German. An account of your former associate, Neukirch, on the development of light-metal production in the 4-Year Plan; your collaboration with Norway is mentioned. What do you have to say about this?

A. This is a rather detailed summing up of all of the work done in the field of light metals in the course of the last few decades. I have looked through it. I do not believe there is anything new in it. It shows the advisory capacity which we held, but it says nothing which has any connection with plunder or spoilation.

Q. To conclude this subject, as I have already asked you about your participation, as a member of the Vorstand and Aufsichtsrat of Farben, in the actions under Count II, I should like to ask you whether you are of the opinion that you are guilty under Count II in your capacity as Plenipotentiary General for Chemistry, or a member of the Reich Office?

A. No, I must state that I am not guilty.

Q. I shall go on to another subject, still under Count II, however, and I shall ask you the following: You once told me about measures taken in Belgium and other western countries to save the nitrogen industry there. According to your description these are steps against official measures involving the dismantling of these industries by the German authorities. Will you please describe these matters?

A. One day--

Q. When?

A. In the summer of 1941, the Chief of Staff of the German Commander of Northern France, Belgium, and Holland, called me to a conference with General von Falkenhausen, who was this Commander, in Brussels.

Q. Why were you chosen?

A. Because of my former position in Farben. I had quite a bit to do with the expansion of the nitrogen industry.

Q. Please continue.

A. In Brussels I was received by von Harbou, the chief of staff, and I was told that the German government had sent an order to General Falkenhausen that all nitrogen factories in occupied Holland, Belgium, and Northern France should be dismantled, brought to Germany, and set up there, and that they were to be put into operation again and staffed with the workers deported from Western Europe.

Q. What was your attitude?

A. Mr. von Harbou told me - if I may first mention this - that the feeling of the General was that he, as Commander of the occupied territories, had to represent not only the interests of the Reich, but also the interests of the population whose fate was entrusted to his care. He said that he had to refuse to apply force against the population, and he asked me to come to Brussels in order to advise him in this matter.

Mr. von Harbou told me this so that I would be prepared for the interview with the General. I thought the matter over, and decided that I would suggest that the factories which were not operating should be started up again in the same place with those workers, with Belgian or French coal, thus avoiding dismantling the factories and deporting the workers.

Q. Was this done?

A. I told Mr. von Harbou this, and he went with me to see the General and I made this suggestion to the General. The General agreed with this solution, after I had told him that the dismantling and reconstruction in Germany would take at least two or three years, and that during this time the valuable nitrogen would be lost.

He asked me to direct a discussion in the afternoon, to which he had invited the leading Belgian, Dutch, and Northern French industrialists, and he asked me to present this proposal to the gentlemen at the meeting.

I asked these gentlemen what they thought about my proposal. They seem to be very much impressed and promised me their full cooperation. I said to them that I would not make this proposal if I could not take the responsibility to the German government that the nitrogen thus produced would serve the countries concerned, so that the fertilizer nitrogen produced there would

contribute to the feeding of these countries.

Q. Now tell us the result of this discussion.

A. After the meeting I went back to Berlin. I talked to Reich Food Minister Backe. I said that according to my best estimate and the figures given to me by the industrialists of the occupied countries, a production of 250,000 tons of nitrogen annually would be achieved, which was equivalent to an increase of about 3 million tons of grain.

I said to Mr. Backe, "We are responsible for feeding the people in the occupied countries. We cannot let the people starve. Otherwise, we would have to send them grain and other food from Germany from our own supply. In this way these countries will be able to improve the food situation themselves

Backe pointed out to me that he expected that operations of enemy planes would destroy these factories as soon as the chimneys were smoking. I said I believed that we must take this risk. "I am sure that if the English learn and they will learn very soon through their spies that these plants are being used to feed the occupied countries, they will not attack these factories".

Backe pointed out that this was a considerable risk for me, for if the factories were destroyed after all, I would be told that the suggestion had become impossible; the factories could not be dismantled because they had been destroyed.

But finally I was able to convince him. I sent an expert named Dr. Rumscholdt to the industries of the occupied countries, who, in collaboration with the French and Dutch coal industry and the nitrogen industry very quickly restored these plants, so that after three months they were in full production again.

Production was continued until the severe fighting after the invasion in Normandy. At that time it was stopped, not because the factories were destroyed, but because transportation was interrupted by bombings, so that the plants could not get any coal.

Q. Did I understand you correctly? Did you say that this was not only the Belgian nitrogen industry, but also the Northern French and the Dutch industry?

A. That's true.

Q. Now, you and your office supplied help. You have mentioned the expert whom you sent there. Did the Belgian nitrogen industry pay you or your office for this help?

A. No, of course not.

DR. BOETTCHER: Mr. President, I am at the end of a chapter.

THE PRESIDENT: The Tribunal will rise for its afternoon recess.

(Tribunal in recess until 1515 hours)

THE MARSHAL: The Tribunal is again in session.

BY DR. BOETTCHER:

Q Dr. Krauch, we interrupted the discussion when you wanted to point out that you never committed any acts of spoliation and plunder. I now come to a new example -- which belongs within the scope of your activity as a member of the Aufsichtsrat of the Ford enterprise. Please, tell the High Tribunal what kind of an enterprise that was?

A They were the "Deutsche Fordwerke" in Cologne, a subsidiary company of the Henry Ford Company in Detroit.

Q Who held the shares of this enterprise?

A The majority of the shares were owned by Henry Ford and, besides that, German industry participated and, above all, Farben participated.

Q How were you elected to the Aufsichtsrat of this subsidiary company of the American Ford Company?

A Professor Bosch was the second chairman of the Aufsichtsrat of the German Ford plant. Henry Ford, during the 20's, visited Germany, founded the Fordwerke, and he considered it important that an outstanding man of German industry, such as was Professor Bosch, should enter the Aufsichtsrat of his plant over here. Professor Bosch died in May 1940. A few weeks later, Geheimrat Albert, the first chairman of the Aufsichtsrat of the Deutsche Fordwerke, appeared in my office and asked me to assume the position vacated by Professor Bosch in the Aufsichtsrat.

Q Did you comply with this request?

A Before I could make a decision he pointed out to me that he had to be fair and tell me that this might get me into a difficult situation, that a certain intention of the Fordwerke was involved, that they wanted to have a certain assistance for our cooperation. He pointed out to me that the German government intended to take the independence

away from the Deutsche Fordwerke and that they wanted to affiliate them with the Hermann Goering Reichswerke. I answered Geheimrat Albert that just that was the reason for me to assume the position in the Aufsichtsrat, although, otherwise, in view of my position in the office, it had always been my idea to keep clear of the interests of industry. We agreed that we were to wait until the government took more steps which were directed against the Fordwerke. Already three or four weeks later, Geheimrat Albert again appeared in my office and stated that the situation had now become serious; that inventories in the Fordwerke were already requested to be taken by the government; that he had gone to Landfried, the State Secretary in the Ministry of Economics for that purpose, and that he had heard from him that the affiliation and incorporation of the Deutsche Fordwerke into the Hermann Goering Werke was unavoidable. Geheimrat Albert asked me whether I wanted to do anything in this matter. I said that, first of all, I would turn to the Economics Ministry, to State Secretary Landfried to have this report confirmed. When I visited State Secretary Landfried, I learned that this intention actually existed to incorporate and affiliate the Fordwerke and that they wanted to take their independence away from them. It was useless to undertake any steps against this intention, he said. I decided to go to Goering himself in this matter. Goering, who received me, was told by me that I had heard about this step and that I wanted to be quite frank with him and tell him that I considered this very bad for the future. At that time we were not yet at war with the United States. We did not know what would happen in the future, but I told him let the result of the war be whatever it may, Germany depended on an economic operation with the United States in order to maintain its position on the world market. "I myself know the plants of Henry Ford", I told him. I did visit the works and plants in Detroit. I spoke to Henry Ford and his son and the important men from Ford. I studied the methods and organization of the Ford enterprise and I admired them.

THE PRESIDENT: Just a minute. There's something wrong with the sound system. We are not getting the translation. Try again now and perhaps it will be better.

INTERPRETER: Can you hear me now?

THE PRESIDENT: Yes.

BY DR. BOETTCHER:

Q Please be kind enough to repeat what you said at the end. You said that you knew Ford.

A I knew Ford. I had visited Henry Ford and his son, Edsel Ford, when I visited the United States in 1928 and when I gave a lecture at the International Coal Conference in Pittsburg. I had studied the methods of Ford and I told Goering that whatever the result of the war might be, I could see an economic future for Germany only if we cooperated closely with American industry. If we took the Ford independence away from them in Germany, it would aggrieve friendly relations with American industry in the future. I counted on a lot of success for the adaption of American methods in German industry, but that could only be done in friendly cooperation. Goering listened to me and then he said: "I agree. That is correct. I shall see to it that the Deutsche Fordwerke will not be incorporated in the Hermann Goering Werke." Thus, the Deutsche Fordwerke maintained its independence in the subsequent years. Geheimrat Albert invited me to all the Aufsichtsrat meetings at which I participated regularly in order to inform myself about the business processes of Henry Ford, and, if possible, to take a stand for the Henry Ford Works after the war had begun. Thus, we succeeded in keeping the Fordwerke working and keeping them operating independently.

Q Thank you very much, Dr. Krauch.

We can leave this subject now and we can turn to another subject, a third subject, which has some similarity with the case of the Belgian-North France and Dutch Nitrogen industry. It is a case in which you also

assert that you had avoided spoliation and prevented spoliation which was intended by evacuating and dismantling of the well known Batavia Petrol Maatschappij. This enterprise was a subsidiary company of the well known Shell group in Amsterdam. Please tell us in sequence what you know about this? What was intended as far as time and place was concerned and what measures you took against the intended action?

A I know that an excellent laboratory existed in Amsterdam which was very well equipped with modern apparatus. This laboratory belonged to Shell. I know this because of the many close connections which the technicians of Farben and Shell had maintained for years. Around the turn of the year 1942 to 1943, a scientific associate of mine, Dr. Hebel, came to see me one day and told me that the Ministry of Education had planned to dismantle this laboratory and to ship its apparatus to German industry which was interested in it. I told him as much as I welcomed the fact that the difficult procurement of apparatus can be alleviated by the procurement of these particular machineries, still I could not agree that that should be done at the expense of others. Ways and means would have to be found to maintain this laboratory intact. I asked Dr. Hebel to go to Amsterdam to inspect the laboratory, to negotiate with the directors of the laboratory and to learn something about the work being done there so that we would find a justification to keep this laboratory intact in view of its scientific work and to prevent that its valuable equipment should be distributed and scattered over other areas in Germany. Dr. Hebel actually went and informed himself about the work; I made a report to the Ministry of Education, and I stated there that the laboratory was well-equipped and doing work which was of fundamental scientific importance. I was able to achieve to have the equipment kept there at first for one year. Around the turn of the year 1943 to 1944, the idea cropped up again and this time it was expressed by the Armaments Ministry. The idea was that the machinery of this laboratory should be made available to the experimentation stations of the Aviation Ministry.

Again, I sent Dr. Habel to Amsterdam and asked him to agree on a scientific subject which was current at the time to find fuel for the jet planes which gained importance at the end of the war. The gentlemen understood Dr. Habel right away and discussed the subject which treated this question scientifically so that I was able to make a report to Speer in which I said that this problem was of particular importance for the future, but that I considered it absolutely necessary to keep the laboratory intact with all its apparatus so that it could further work on this problem and that it should be maintained.

In view of the importance of the question of the jet-propelled plane, Speer gave his approval and permission. I myself know, of course, that work on this question could have no more importance for this war but that it was only a matter of scientific character. The laboratory went into the hands of the Batavian Maatschappij at the end of the war, without a scratch.

Q. Very well, Dr. Krauch. This concludes your direct examination as far as Count 2 of the indictment is concerned. I shall now revert to Count 3 of the indictment which is called the Slave Labor Program.

MR. BOETTCHER: Your Honors, may I make a short remark? The question of labor commitment is treated by Dr. Helmut Dix in the course of a short treatise that he is preparing. I place my questions only as far as the personal relations of Dr. Krauch with these questions are concerned. However, questions that might be necessary I would like to put after Dr. Dix has finished with his treatment of the subject.

MR. SPRECHER: We have only the question of whether the last request indicated that Dr. Boettcher wanted to direct further questions to the defendant Krauch at another time removed from this examination.

If the Tribunal was clear about it — at least the Prosecution was not.

THE PRESIDENT: I am not sure whether the Tribunal is clear about it or not. Dr. Boettcher may express himself. Doctor, did you intend to supplement subsequently further examination of the defendant Krauch or further proof that you might offer pertaining to the defendant Krauch?

DR. BOETTCHER: No, Mr. President, I merely wanted to clarify the following. I am examining Dr. Krauch comprehensively so far as his own person is concerned, however, omitting certain clarifications of principle in order to avoid repetitions which will be brought by Dr. Helmut Dix. If Mr. Dix should, for some reason or other, leave something

out which is of importance for Krauch, then I should like to ask the Tribunal to permit me to ask Dr. Krauch at a later date once more. I think that that would be an exceptional case.

THE PRESIDENT: That is a matter that we will necessarily have to meet if it arises. If there is some good reason shown why you wish to ask omitted questions of the defendant Krauch under proper limitations and restrictions, the Tribunal would see no objection to that, Counsel. And so far as your purposes are now indicated we see nothing irregular about it. And you may proceed along the line you have indicated.

BY DR. BOETTCHER:

Q. The first question in this new main subject, Doctor. The Prosecution charges you, from your activity during the war, that as Plenipotentiary General for Chemical Production you participated in the slave labor program. How did it come about that you, as Plenipotentiary General for Special Questions of Chemical Production, had to deal with questions of labor?

A. An important point in the development program of the Karinhall plan was, next to the procurement of material, also the making available of the necessary experts and workers of the program. Just as in the case of material, I had to express my expert opinion whether the requirements and the requests that the various firms made to the offices were justified.

Q. Your statement indicates that your activity as Plenipotentiary General was already exercised before the war to a certain extent.

A. That is correct.

Q. For what reason did it become necessary that official agencies should, already before the war, quite generally concern themselves with questions of labor allocation?

A. Already before the war a scarcity of labor had arisen

in various specialized fields. In view of the manifold programs that were present, so that in this field as well, as I was able to point out this morning, the classification of certain priority stages had already been executed, by reason of which the available manpower was distributed. Industry had taken the course because of the difficulties in getting experts, and in the course retained their own experts to occupy them with other work so that when certain orders arrived in their plants they could use these people whom they had held in reserve in this way.

The agencies and authorities responsible for the allocation of manpower investigated this state of affairs and in some cases they asked for an expert opinion on my agency.

Q. You just mentioned the expression "stages of priority". Already this morning we discussed this. Tell quite briefly whether, in the labor question as well, you were able to determine these stages of priority or not?

A. The case was exactly the same in the procurement of labor. I was able to make suggestions but the decision was in somebody else's hands.

Q. Was it true that you could allocate workers to certain construction plants, that you could actually say, "One thousand workers will be sent to a particular construction"? Or could you not say that?

A. I could not do this. I could only examine the requests that came in from the firms and I could give my opinion whether this was in order, justified or not. The actual employment and commitment of these workers was done, of course, by the labor offices that had to do this work.

Q. To whom did your expert opinion go?

A. When there were no workers and when workers had to be transferred from other areas to the area in which they were needed, my

expert opinion went to the Reich Labor Ministry, which had the top decision to make in questions of labor.

Q. We can show this to the Tribunal with the aid of a document introduced by the Prosecution, Exhibit 754, Document 21, on the English page 109, German book page 199.

Did you find this letter?

A. Yes, I found it.

Q. By whom is it written and to whom is it addressed?

A. It comes from the General Plenipotentiary for Construction Work, General Inspector Todt, and it is addressed to the Reich Labor Ministry, attention State Secretary Syrup.

Q. What can we see from this letter.

A. They speak about the so-called Krauch Plan for which 13,000 workers are lacking at the present time. "There are a little over 100 construction plans. I asked Dr. Krauch to send you, State Secretary Syrup, a list of the construction projects ordered according to labor regions, and I ask you that you give the corresponding directives to the Landes Labor Offices." From the document it can be seen very clearly that I was able to make suggestions, that I could make propositions, that I could express requests; but that the allocation of the manpower was done by the Reich labor agencies.

Q. What was the nature of your cooperation with these labor allocation agencies? Please describe the two main problems which existed in this connection.

A. First of all, I had to give an expert opinion about the justification of the request that was made. Then I had to take an influential part in the distribution of labor and the allocation of labor according to the stages of priority.

Q. It might have happened that workers reported to you voluntarily or that you knew that labor was available. Could you then employ these workers in special construction projects?

A. No, I could not do that. That was only possible through the Reich labor agencies that had to do with this work, that is, labor offices and District labor offices.

Q. Very well. You say then that you had to give expert opinion and that you had to make suggestions. We have here the same problem with which we already dealt when we discussed the question of your suggestions about material allocation, your suggestions about definite projects. It is the question whether your suggestions were always complied with, or whether there were other agencies which were over you, and which could deviate from the suggestions and issue now, different directives.

A. That was certainly the case. I can give you the person of the Plenipotentiary General for the Consturction Economy, who certainly was able to have construction projects under my charge paralyzed without any of my objections being paid any attention.

Q. Can you again refer to documents in this connection which the Prosecution has submitted?

A. Yes.

Q. Then please turn to Exhibit 480, Volume 22, English book page 44, German page 53. Do you have that document?

A. Exhibit 480?

Q. Yes. Please tell me briefly what this is.

A. These are negotiations about taking away certain construction workers from the chemical industry for the so-called Jaeger Program which was classified at the time as being of first priority rating and which was promoted by Speer. In this document they speak of a large number of workers who were taken away from my construction project and which would have to be made available to the fighter plane program.

Q. If I understood you correctly, this was an intervention in suggestions which you had made for the development of your chemical program?

A. That is quite correct.

Q. A similar document is the Exhibit No. 479, Volume 22, on

page 49 of the German. Would you look at that as well in order to describe a similar event?

A. A number of construction projects are named in this document in which construction workers had to be taken out for carrying out the fighter plane program. The PSV Program (Powder Explosives Program) in Estonia is mentioned, a number of factories, the Carbid Werk, Fuerstenberg, Parschwitz, nitrogen, and so on, are mentioned.

Q. Very well. That is sufficient for the purpose. A third example from a previous time, also during the war -- that is Exhibit No. 460, in Document Book 21, on page 138. This is a compilation from the files of Colonel Thomas. Could you please express yourself generally as to what can be seen from this document?

A. In numerous cases it is pointed out that for the execution of the various programs the manpower available is not sufficient, and that it is necessary to shift the various programs around, which would have to be done according to the priority rating that they had been given.

Q. Could you give us the figures that you have underscored so that the record will show, when your statement is investigated, what you meant exactly?

A. Under No. 19, the question of the increase of the iron and steel quota in the powder and explosives plan is discussed; a memorandum is to be drafted for the continuation of the program.

Q. Perhaps you could read No. 15, which expressly states "Labor"?

A. Yes, General Thomas points out that the present type of armaments industry could not be continued since the Wehrmacht does not receive the necessary capacities and not the necessary manpower.

Q. You can testify and you know that from this question of labor influenced your expert opinion, that you had to give?

A. Yes.

Q. Another problem which is of importance here. This has to do with your activity in the field of so-called deferment ratings for workers. Please, in order for the Tribunal to understand the problem correctly, first of all tell me what the expression "UK" means, the deferments for workers.

A. "UK" is a certificate that declares the worker to be indispensable.

Q. Could you explain it a little further?

A. The particular expert is so important for his particular job that he cannot be spared for service in the army, that he cannot be drafted into the army.

Q Was this very simple to do, to have a man deferred? Could the firm simply state that a certain worker is important, and "I want to stay here, I don't want to go to war"?

A Of course that was not so easy for the armaments inspection reserved the investigation of any particular case for themselves.

Q Somebody had to give an expert opinion about this?

A Yes.

Q Were you the man who had to give this expert opinion, or perhaps persons that you had delegated?

A Of course only for cases which had to do with development projects of my office I was consulted, that is my office was consulted. "We have a number of requests for deferment justified? We ask your expert opinion on this matter." My office then dealt with this and worked on the subject.

Q Did you have the right to make decisions whether a certain worker or expert or skilled worker or employee should be or should not be deferred?

A Of course I did not have this right to make decisions. That was the affair of the Army. The decision of the Armaments Inspectorate had to do this also which was of course officers of the Army.

Q Again here a question in conclusion. How were your expert opinions complied with? How did people follow your suggestions?

A I endeavored of course to have as many German workers retained in industry as possible, for only in this way could a smooth running of the production be safeguarded. The regulations about the drafting of workers for the Army became intensified in the course of the war, and especially in view of the heavy losses on the Eastern Front and they became extraordinarily severe so that the majority of the deferment applications were rejected by the Armaments Inspectorate despite my people's recommendations.

Q This is what you have to say generally about the question of labor commitment. I shall now come specifically to the labor allocation

of foreign workers. Give us your opinion, quite principally, how did it come about that foreign workers were used? What were your ideas on this subject?

A The idea to employ so-called foreign workers came into the picture very soon after the various countries had been occupied. Holland, France, and so on had been occupied. The industries there were paralyzed for a large part. In Germany we were notoriously short of workers so that very soon we recruited foreign workers for work in Germany. The employment of foreign workers was something that was quite customary in Germany also during peacetime. We knew the so-called Eastern migrants, people from Poland, who were employed in Germany in agriculture in large numbers and who earned their living there. In a similar way we also thought of using these people for work in Germany since they were free abroad.

Q How was this handled actually? Could you make the attempt to recruit certain individual workers, or how did you do this?

A The individual recruitment of workers by my offices was not customary and it could not be done since it was always the affair of the particular labor agency responsible for the recruitment and distribution of labor from abroad.

Q When you say "labor agencies," you mean those authorities of the Reich Ministry of Labor, isn't that right?

A Yes.

Q And is it also correct that quite outside of this authority you did your work? These authorities are called the agencies of the Reich Ministry of Labor.

A That is right.

Q What was your activity in this matter? Did you again have to make suggestions?

A Yes.

Q Please describe this a little more in detail.

A After these countries had been occupied, I came back to a

suggestion which I had already tried out years ago during my work in Ludwigshafen. The plant at Oppau had been completely destroyed by a serious explosion in 1921, which caused the death of more than six hundred persons at the time. We had to deal with the serious question of reactivating this plant as soon as possible in order to find work for the people working there once more. The engineers in charge had set themselves a deadline for the reactivation of this plant and they said that it would take one year since a lot of new workers had to be recruited and made available to the factory only for the purpose of reconstructing the plant. About twenty thousand workers were needed. At that time I had the idea to get these people to come to work for the plant in a different way and so to have the plant begin operation even earlier. For this purpose, I went to Cologne, where I spoke to the General Director of the Barmag, (Berlin Anhaltische Maschinenfabrik) a certain Baurat Lechler who was a very intelligent person and I asked him, "Is it possible that you, with your staff of construction workers, could come to us at the construction site at Oppau and take over certain parts of the reconstruction independently, so that the Farben Industrie with their own shops do not have to execute this part of the construction work itself? It is of course clear that you have other work to do at the present time," which you have to get rid of or have someone else do. Can you include the sum of money which you will lose by doing this and include it in this sum which we will have to pay you and how high is this amount of money?" He calculated after a few hours and he arrived at an increase of about thirty per cent, which he would have to ask in addition to him that in view of the necessity and urgency with which we had to reactivate the plant we could work with this amount of money. After the plan had been discussed, I inquired with a number of other plants to which I was able to give this example of the Barmag. Everybody generally agreed with me and already during the next few days the workmen arrived from the

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various firms at the site of the disaster in Oppau and they started work on the reconstruction of the plant. In this way we were able to move up the time limit of one year which our engineers had fixed and to have it reduced to three months. After three months, the plant began to operate and a few months thereafter it had reached its full production capacity, so that it was not necessary to dismiss the workers during this emergency and to have them idle.

Q. How where is the bridge of ideas to the matters which you made about the commitment of foreign workers in 1941?

A. It was of course very likely for me to go abroad to construction firms and to ask them, "Are you ready to take over a certain construction or installation work with your workers as an independent firm, intact? You will be paid for this work just as would be a German firm that is given a similar job to do?"

IR. BONTCHER: Am I to go further in this line of questioning or do you wish to make the recess now?

THE PRESIDENT: We may as well recess, and the Tribunal will be in recess until 0930 tomorrow morning.

(The Tribunal adjourned until 14 January 1948, at 0930 hours.)

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**CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 16**

**TRANSCRIPTS
(English)**

14-19 January 1948 pp. 5191-5602

1948
14 January-M-IL-1&2 -1- Leonard (Int. Katz)
Court VI Case VI

Official Transcript of the American Military Tribunal No. VI, in the matter of the United States of America against Carl Krauch, et al, defendants, sitting at Nuernberg, Germany, on 14 January 1948, 0945, Justice Curtis G. Shake presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Make your morning report, Mr. Marshal.

THE MARSHAL: May it please Your Honors, all of the defendants are present in the court room.

THE PRESIDENT: Any preliminary announcements from the defense?

(None indicated).

Anything from the prosecution?

MR. SPEECHER: Nothing, Your Honor.

THE PRESIDENT: Then the defense may proceed with the introduction of its evidence.

CARL KRAUCH - Resumed

DIRECT EXAMINATION - Continued

BY DR. BOETTCHER:

Q Dr. Krauch, we left off yesterday when we discussed the question of the foreign workers who worked in German industry during the war and, at the end, you described how you undertook reconstruction of the destroyed Farben factory in Oppau in 1921 by way of a new system and that, this new system consisted of getting certain firms to contract for certain work, such as installations, sewerage systems, etc.; that you got them there as a whole with all their works and their staff. You told us about this as a preparation for

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those measures which you now caused to be taken, on your own initiative, during the war. Now, tell us the adaptations of this, your idea, to your activity during the war in regard to the foreign workers?

A When the question of employment of foreign workers became acute, I decided to send representatives of my office to the countries concerned in order, first of all, for them to speak to the employers to see whether they would be ready to have their workers come to Germany under similar conditions. The gentlemen returned and reported to me that in the various countries abroad they had found full agreement with this plan by the employers. I then negotiated with the plants and pointed out this suggestion to them. First of all, my people again negotiated with the foreign firms and got them in touch with the plants concerned. The factories then concluded agreements and contracts with the firms for definite types of construction, installations and other work, and the foreign employers signed these contracts and then came with their staffs of workers to the various construction sites.

Q Could you force the foreign firms to conclude these contracts?

A Of course, I could not do that. I had to first get the approval of the necessary labor offices, competent for those particular construction sites where these workers were supposed to be employed.

Q Dr. Krauch, I believe you have skipped one step and you have not understood my question correctly. I had asked you whether you could force the foreign firms, who took their staff of workers with them, to conclude such a contract.

A I could ~~not~~ do that in any case.

Q The question that belongs to this is the following. Could you order the German firm, concluding a contract with the foreign firm, to conclude this contract?

A I could not do that either.

Q Then in conclusion, I may say that all your mediation extended only to voluntary work and was done on a voluntary basis?

A That is absolutely correct.

Q Can you give us the names of a few of your associates whom you charged with this voluntary commitment of firms?

A A few names are a certain Dr. Handloser, a Dr. von Schelling, a Dr. von Nobel, Dr. Eckart, etc. I, of course, preferred those gentlemen who knew the language of the country concerned.

Q What did such a contract look like - a contract concluded between the foreign firm and the German firm? Only very briefly since we have a sample of such a contract as a document.

A I should like to quote, as an example, the electrical installation work of some construction. An installation firm in France had been given the order from a certain other firm to undertake to do the work for an overall sum that had been agreed on beforehand and to install equipment in certain constructions. The firm appeared with its staff of workers at the construction site. They had their own office there which took care of the workers and which paid them.

Q What was the position of those foreign workers? Who was the employer?

A The employer remained just as it had been before - their old firm.

Q Did they also pay their wages?

A Yes, they also paid the wages.

Q What was the advantage of such an arrangement for the foreign workers?

A There were various aspects. The care for the workers remained the same as they had been used to in their mother country. The workers received their payment in foreign currency so that they had the possibility to send their salaries home to their families.

Q Did these contracts also provide for vacations, housing and feeding?

A These contracts, of course, contained agreements about regular vacations and also agreements about feeding, housing, etc.

Q Very well.

I shall corroborate that by the aid of documents, Mr. President.

Did these contracts become popular - were they successful with these contracts?

A I believe we were very successful for many more firms reported for work than we could use.

Q Did these contracts also become popular with the workers who were thus employed with you?

A You can certainly say that for the workers always tried to get their dependents - their wives or relatives - also to work in Germany under similar contracts.

Q Can you give a figure to the Tribunal which would give an idea of the number of workers that were employed in Germany by reason of such agreements?

A I thin that 20,000 to 25,000 workers worked on this so-called voluntary employer basis on construction sites

under our care.

Q One step further: In the Spring of 1942, Sauckel was appointed as the Plenipotentiary General for the Labor Commitment. First of all, tell the Tribunal very briefly who Sauckel was?

A Sauckel was the Gauleiter of the Gau Thuringia and he was general considered as one of the -- let me call him -- the most energetic Party members and followers of Hitler.

Q Why did they appoint a special Plenipotentiary General for Labor Commitment?

A In the armament field, a scarcity of manpower had become more and more evident and Hitler was probably not satisfied with the methods which the Reich Ministry of Labor used for the recruitment of labor. They seemed not energetic enough for him.

Q Sauckel had carried the same title as you did. He was also a Plenipotentiary General. What were his authorities and how did they differ from yours?

A Sauckel was given immediately very strong plenipotentiary powers - plenipotentiary powers also for other ministries which I never received, so that when he was appointed he got a very powerful position with the government and he used this position ruthlessly.

Q I do not want to discuss the individual measures that Sauckel instituted; that will be done at another time during the trial. I merely want to ask you what influence Sauckel's appointment had on those measures which you have just now described as the firm employment basis.

A You could say that it now became more difficult immediately. Sauckel was not in agreement with the methods used by us, but nevertheless this did not prevent me from continuing my work as far as possible in the same manner and method despite the resistance offered by the labor office of Sauckel's.

Q What policy did Sauckel pursue?

A Sauckel noticed very quickly that the program with which Hitler had charged him could not be carried out with the methods used up to that time, and therefore he started all kinds of new suggestions.

Q Please give me the cue and the motto under which Sauckel worked.

A I was the compulsory and obligatory service for foreign countries.

Q Tell me what you mean by this obligation for service, or drafting for work. What do you mean by that expression?

A That drafting for labor was a regulation which we had already known in Germany during the First World War. According to this draft the individual citizen no longer had the right to seek employment according to his own decision or to seek any service according to his own choice. He was now instructed to follow the regulation of the government which put him to work as it saw fit.

Q And this idea was now applied and initiated in the occupied territories?

A Yes, according to the example which had already been in existence in Germany before and according to which every citizen was placed under this service draft, regardless of his position.

Q Did you have anything to do with working out and drafting these laws?

A I had nothing to do with drafting and executing these laws.

Q As you said, you continued your methods despite orders of the Government to the contrary, and you got workers on the basis of the so-called firm employment?

A Yes.

Q Were you successful in this?

A I was able to do this very well. I turned to my offices abroad. They got in touch with the agencies of the Plenipotentiary General Sauckel; they had him give them the number of construction sites, according to the proper priority rating, which had to be supplied with workers. They negotiated with the firms in question. And finally they presented the agencies of the Plenipotentiary General Sauckel the number of workers that they had recruited in this way. They were then counted up towards the quota which the Plenipotentiary General had originally issued.

Q Then after the question of employing foreign workers had become acute, there were two types of workers in Germany; Germans, on the one hand, or voluntary workers; then, foreign "involuntary" workers -- let us call them by the name used by the Prosecution, that they were working under force -- and then there were also those foreign workers who came to Germany voluntarily.

A Yes.

Q When you gave your expert opinion that workers were necessary for certain places, did you then request a certain type of workers? - Do you understand my question? - Did you say, for instance, I want drafted workers? Or did you say, I want voluntary foreign workers? Or did you say, I want German workers?

A About the choice and the type of workers assigned to me I could not make any decision. I could only say, in my opinion a certain amount of workers are needed. I could say either skilled or untrained workers. I need so many. Or I could say, the plant needs so many carpenters, so many locksmiths, and so on.

Q In order to clarify this very well, then, you could not request a certain type of worker, be it under the aspect of force or voluntary labor?

A No, by no means. It was of course my opinion that I preferred voluntary workers, and I always tried to get as many voluntary workers as possible.

Q What was your attitude as you have described just now according to which, as the Prosecution asserts, you had to employ "slaves"? Why didn't you refuse this, either by protest or by resigning your position?

Q In regard to the first, the protest, I always had the opinion -- and I believe that I have demonstrated that sufficiently with the authorities concerned -- that I preferred the German workers most of all.

Q Give us your reasons for that.

A The reason was the type of work the chemical industry had to do; the activity of the worker as compared to other industries is rather responsible. The plant manager has to rely very much on the good will of his workers, for I

can only expect him to have this good will if I employ him in a decent and humane way. Through a simple mistake in his work he might cause some sort of an explosion, with consequences that we could not even measure, without my being able to make the worker responsible and call him to task for this explosion. If he wants to damage the plant he might sabotage it and cause a disaster, which he could easily do and which he probably would want to do if he didn't like the type of employment or wanted to protest against the circumstances of employment. And I still could find no reason for making him responsible for that at a later time. Such cases -- and I can judge this from my activity as plant manager during the First World War -- arose very frequently at that time, since during the First World War many foreign workers were imported from Belgium and were employed in Germany. That was done at the suggestion of Walter Rathenau, made by him at the time to the Minister of War.

Q Perhaps you will go on with answering my question: Why you did not protest against it? Why did you not refuse to do this after you had stated that, from your own inner sentiment, you were not in agreement with the drafting for work?

A I believe the reasons for that were that the country was at war. Millions of its sons were fighting at the front, just as those of other countries. They died there the dead for the Fatherland. Everybody had to offer his life because the laws so demanded, and the man at home as well, even if he was in a modest position, had to do what the country demanded from him. It is certain that I might have evaded my duty. I might have fled to Switzerland, perhaps, and gotten into a safe place. But I had to take

into account that my own sons were at the front, as simple soldiers in the front lines, and I didn't hear anything from them for months. I had to count every day as a possible time when I might receive a report that either one or the other might have been killed in action. I believe that it would have been an undignified act and that my sons would have considered it as such if, in such a situation, I would have thought of my own small life first. Perhaps a second aspect entered into the consideration. I knew that my country was about to enter the most difficult period in its history, and it was not at all my intention to desert my country in this difficult position. After all, I was attached to this country more than if it had been under happier circumstances. I just meant that I did not want to leave this country.

Q. Thank you very much Dr. Krauch. Well, this was your psychological attitude. On the other side, however, there was an order to utilize these workers as they had been drafted by the labor offices. Tell me whether you could have worked against this order without making yourself liable to punishment?

A. I could not act against this order. I was only able and I tried to improve conditions for those human beings who had to work under these circumstances.

Q This now touches upon the question of the so-called care for the workers, the welfare of the workers who were working on construction sites under your charge.

Your Honors, I shall deal with this problem only very briefly with very few questions since I am able to offer detailed material of documents. But I do not wish to discuss all this with Dr. Krauch.

Well, Dr. Krauch, only a few fundamental questions. First, did this welfare of the workers belong in the scope of your authority?

A No, it did not belong within my authority. That was somebody else's job.

Q How did you come about to care about this at all? What was the reason for that?

A They were that I felt obliged to see to it that people who had come on my suggestion, after all, from foreign countries and who were working in Germany now, that they worked according to my ideas and to control that, to see to it that it was done.

Q To whose competency did these social care or welfare of the workers belong?

A It belonged first of all to the competency of the plant manager under whose direction the people worked.

Q Please tell me quite briefly what you understand by plant manager?

A Plant manager is the director of a plant, according to the labor law issued by the National Socialist Government, responsible for the social care and welfare of the workers.

Q Was there anybody else besides the plant manager who was responsible for the social care and welfare?

A Yes, there was. First of all I should like to point

out the work of the Labor Front, which was initiated by Hitler very early for the social welfare of the workers.

Q Were there any other authorities which dealt with this question?

A Other authorities were the Trade Inspectorates and Commissions which had to investigate disasters and accidents. They were State authorities who had to discuss a certain disaster or accident with the plant, and who had to discuss the measures which might be initiated to prevent such accidents in the future.

Q For humane considerations, you also added your own authority to these already existing agencies which dealt with the question. After all, we know conditions in Germany. Did the people who were so far charged with authority accept you, or did they object to your authority?

A The people whom I had charged with this work of course got along fine with the plant managers and directors, who were very glad to get their advice. Conditions, however, with the Labor Front were much more difficult. They were not at all amenable to having anybody tell them what to do, so that we got a lot of trouble and friction with this particular authority, the Labor Front.

Q Tell me in detail and very briefly; give me a summary about the scope of your social care and welfare of the workers.

A First of all, it extended to care for feeding and housing of workers concerned. I picked out certain plants which were exemplary in this regard and then I chose other plants which had not so much experience in this field, and I pointed out these better conditions to the worst plants to try to get them to institute the same good conditions in

their enterprises.

Q Did you charge a certain commission for this work to maintain the permanent body to do this work?

A Yes, I called them the Food Commission since they tried, if there was any scarcity of food, to try to buy food abroad where such food was not rationed as yet, to buy that for the foreign workers, and also they tried to buy clothing, shoes. I don't think I have to go into any more detail.

Q From your answer I merely would like to pick out the designation Food Commission. You did not give the entire activity of that commission, actually?

A No.

Q They did more than just taking care of food; isn't that right?

A I don't know how the name Food Commission came about, but they did have to do all kinds of other things that were concerned with the care of the workers.

Q You said that you also concerned yourself with the amount of salary that the foreign workers received. Can you tell me anything about that, briefly?

A We tried, of course, to secure for the workers salaries from the firms which had recruited the workers, salaries satisfactory to the workers. These salaries were sometimes a little in conflict with those generally accepted in Germany at the time -- that is to say, they were higher than the ones in Germany at the time. My staff tried to keep these salary groups on the certain stages arrived at by giving all kinds of benefit payments, increases for families, and so forth, so that the workers actually did receive the exact payment agreed upon in the contract.

Q I should like to discuss with you three fundamental

examples for your social care and welfare and for your personal intervention. You told me at one time about a certain case which belongs here, in Schkopau. Tell me briefly what Schkopau is and then explain what you did there.

A Schkopau was the first Buna factory which Farben erected. Of course, just as any other plant did, so did this plant also have to deal with social care, the hospitals, and so on which had to be erected. And with the scarcity of building materials the necessary machinery did not arrive on time, and all kinds of difficulties arose, so that Dr. Ambros asked me one time to make available the assistance of the Leuna Works, which was six kilometers away from the plant, and that I should make available to him machinery, hospital equipment, and so on. I discussed the affair at the time with the Leuna plant manager, Dr. Schneider, who of course was ready to grant any aid and assistance.

Q Did then conditions become better?

A Yes, Schkopau then became very well directed as far as social welfare was concerned.

Q As a second example, I mention Heydebreck. What is Heydebreck?

A Heydebreck is a plant which manufactured iso-octane gasoline and nitrogen also, which was constructed during the war by Farben. Somewhat difficult conditions had arisen there too, and I saw that when I visited the plant at one time. I talked to the man in charge who was responsible -- that was a man from Ludwigshafen, whose position approximately corresponded to Mr. Ambros's position. It was Dr. Mueller-Conradi, who died a short while ago. He seemed somewhat dissatisfied with his expert on welfare questions who had not yet gained enough experience in treating workers and

treating welfare questions of workers. The conditions there were perhaps particularly difficult because this plant had many foreign workers; it had no experienced Germans as did other Farben plants on whom it could rely. Dr. Mueller-Conradi asked me to be of assistance to him in procuring an older man for him who might have more experience in this field than the one presently working there. I was able to recommend a certain gentleman to him whom I know personally. That was the personnel expert in the Ministry of the Interior who was considered as being not quite reliable to the Party and who, therefore, had to resign from his position there. Dr. Mueller-Conradi appointed this gentleman upon my suggestion, and I could very soon convince myself when I visited this plant at a later time that the conditions remarkably improved.

Q A third and last example has to do with the name of the Russian scientist Androsow, who brought a number of his fellow-country-men with him and for whom you cared very extensively. Please, just give me the outlines of this incident. We have documents about it.

A One day, General Staff came to me, the Commander of the Economic Staff East, who had to deal with economy in the Eastern territories. He pointed out to me that in Charkow a lot of misery was existing among the scientists who were working in the universities of that area. Nobody cared for those people, he said; nobody could use them, they were not skilled workers. If they were perhaps skilled workers they might, perhaps, have been taken to Germany where they would have earned their living, but in this way, as he saw it, they were slowly starving with their families. He asked me, since he knew that I always was greatly concerned with science, whether for humane considerations I might not give some assistance to this group of people. I remembered one of my former associates in Farben, a certain Dr. Androsow, a former officer of the guard in the Russian regiment, who had been made a prisoner of war during the first World War and whose family was murdered in the rebellion that arose after the War, so that he had decided to stay in Germany and study chemistry, and after he concluded his studies we found out that he was a very able chemist. He then entered the services of Farben. The man was able to speak German and, of course, also Russian, and I sent him to Russia where he took care of these particular professors. It was rather interesting for me to get a true picture about the sentiment of the Russian people after the occupation, but this belongs in another place.

Q Dr. Krauch, in conclusion, merely tell me what you actually did.

A He made the suggestion right away to get these people to work in Germany and to have them work in the institutes of industry, but the professors made a condition that they wanted to take their families along with them and not leave them in Russia since otherwise they would starve. By a conversation that I had with General Staff, who agreed

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with this idea, I was able to get these professors with their families to come to Germany, where they were fully employed in some plants of the chemical industry, and where they were satisfied and where they were doing very satisfactory work. This Dr. Androsow came to my mind again after I had looked at the Heydebreck plant. The Heydebreck plant and the Blochhammer plant, which however did not come under Farben industry, employed many Eastern workers, Russians, because it was close to Russia. When I inspected the plant I noticed that the Russians, who were otherwise generally described as good workers, stood around their working places very sadly without working so that I felt that these people were missing something. Housing and feeding was very fine as I saw personally, but something else was lacking. Therefore I used Dr. Androsow's services for work in these two plants. He arrived very soon after he had found his countrymen there and made suggestions to institute a number of cultural establishments there, churches of the Russian Orthodox Church, institutions of schools, kindergardens, care for the women who had nothing to do, for the sick people, care by Russians instead of care by foreigners, and I had the feeling that Androsow brought great benefit in this community. After nine months, I inspected this same construction site once more and I found a great difference and improvement in the sentiment and feeling and morale of these people.

Q These three fundamental examples of your social welfare for the workers suffice and I shall now come to conclude this subject and put certain things to you which the prosecution charges you with in particular. First of all turn to Exhibit 1375 in Book Number 70, the English page 63, and the German page 120. This is a report of a meeting of the Food Committee that you mentioned, about a meeting of the fourth of March 1943. In this report on Page 3, it is stated "Bruex Report". That is on Page 3 at the top.

A Yes, I found it.

Q "Bruex reported that after negotiations with the base camp, IV o

Wiestritz near Teplitz-Schonnau, it is now permitted also to beat French prisoners of war for lack of discipline, if need be. Negotiations with the competent base camps of the individual plants on this subject were recommended." The question I have now is, did you know this report and if so, what did you do against it.

A I do not believe that I saw this report. This was a typical report, as many of them arrived in my office. Usually when reports came in, I had a summary of them made by the department chief who reported the most essential points to me. I can not remember that I had anything like that ever pointed out to me. I believe that I can say that if I had known this I would certainly have done something against it, for it would not have been in keeping with my ideas.

Q Please keep this document in front of you. Immediately afterwards, on this same spot, it says "The Secret State Police in conjunction with the Reich Labor Trustee have authorized the establishment of an indoctrination camp for foreign workers for Ludwigshafen." And my question is, are these the so-called "education camps" of which the prosecution speaks sometimes. What was your conception of these?

A I assumed that these are the education or correction camps of which I had heard, but about the operations of which I had no personal knowledge. Such education or correction camps were instituted by the Gestapo, as far as I know, and they were being directed by the Gestapo. I don't think that it was ever permitted to inspect such a camp.

Q In your opinion were these State orders against which you could not have objected or protested?

A Yes, correct.

Q The prosecution offered Exhibit 371 in Document Book 70, Page 22 of the English —

A Is that document 371? I don't have that document.

Q Excuse me, this is Document 1371 in Document 1371 in Document Book 70 and you can see already from the document book that it should

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be 1371. In this document it is pointed out, one of your circular letters is pointed out, about the commitment and treatment of foreign workers. What have you got to say about this circular letter?

A This circular letter is very comprehensive — if I may summarize its contents. I stress in it the fact that we should see to it that the foreign workers be treated in a dignified and decent manner. Especially the foreign workers. Such reports, of course, arrived very frequently and it was my request to the visitors, that is my officers in the plants, always to care about the social welfare of the workers and to report to me about if it anything was objectionable. On the other hand, and this happened much more frequently, to point out improvements and innovations which might be of benefit to other plants.

Q Another document in regard to your attitude of social conditions of foreign workers, the prosecution submitted a circular letter of 9 August 1943 about measures which refer to the repatriation of French workers — about the deportation back into Germany of French workers who had broken their contracts. This is Document 476 in Book 22, on the English page 29, on the German page 34. Please look at it and give me your idea about it.

A It can be seen rather clearly from this document that it was not sent out on my initiative, but that it was an order of the Plenipotentiary General for the Labor Commitment, Sauckel. This directive had to be issued upon the order of Sauckel.

Q Were things done according to this circular letter — that is to say that those workers who had broken their contracts were reported to the Gestapo?

A The officers of my agency did not report any of these people to the Gestapo.

Q You did not comply with this order then. Did you issue a directive to the contrary then?

A I was in the somewhat peculiar situation, that I did not comply with a certain order merely by not passing it on. I passed the order on, but the agency to which I passed it on I gave the instructions to work according to my ideas so that the agency which might have been punished for not complying with the order actually could not be punished.

Q Dr. Krauch, I am sorry to say that it is not quite clear. You passed on an order to the effect that those workers who had broken their contracts should be called to task. Then you said that nothing was done on the basis of this order.

A Yes.

Q Why did your associates believe that they were protected by you if they did not comply with the order of Sauckel?

A My associates know very well what my ideas were on this order. I was, of course, not able to issue a contrary order over the telephone or through the mails. If I had done so the S.D. or the Gestapo who surveyed every telephone conversation that I had would have come and arrested me, probably. My ideas could only be made known to my associates in an indirect way.

Q And what was your idea?

A It was that the plants would only receive workers if they could say some workers did not appear at their places of work and then the Labor Office would say "Well, did you report the fact that this man escaped? Did this report arrive at the hands of the Gestapo?" And then the plant must say, "Yes, we turned it over -- we passed it over to the office of Dr. Krauch" and what my office did with it they did not have to know.

Q Another case. Exhibit 1393, Document Book 70, the English page 120 and page 293 of the German. This is a letter of the Leverkusen Plant to your Department Labor Allocation in which Leverkusen says that you should continue your efforts about the allocation of Eastern workers. Have you found this document?

A Yes, I have it here. It is directed to the Department of Labor Allocation, Herr Pompe. I believe this letter is a typical example for the fact that my labor allocation was only a transitory agency. I merely passed on these requests to the agency that had to make the decision about it.

Q Very well. Now seems to be the opportune moment to discuss your own affidavit in which you deal with the question of the commitment of foreign workers. This is Exhibit 481, in Document Book 22, English page 47 and 58 of the German. Have you found it?

A Yes, I have.

Q First of all you say under Number 2 that you were the highest authority for the distribution of manpower in the various plants of the chemical industry. I have two questions on this point. First of all — then you say individual plants of the chemical industry — then I understood you up to now that you only were to take care of those workers that had to do with your activity in special questions of chemical production, that is the four well known fields of minerals, buna, and so and so.

A That is correct, and later the field of nitrogen was added to these four fields and also the yarns production. These were additional fields that I had to mention. But your question is of course quite justified. I did not have to deal with all of chemical industry, but only those parts of the chemical industry for which I had authority and competency by reason of my appointment as plenipotentiary general.

Q Who was responsible for the rest of the chemical industry?

A The Reich Agency and Reich Authority of Chemistry under the Reich Ministry of Economics, which was later called Economic Group Chemistry.

Q My second question refers to your expression in the affidavit, the distribution of allocation of labor. You explained things to us here by saying that the labor agencies, the Labor Office, were responsible for labor allocations and that you could only render your expert opinion. Please tell us about that.

Q You are quite correct. I had only to render expert opinions. I had to explain whether the requests coming from certain plant to the Labor Office or the Gau or Landes Labor Office were justified or whether they had to be changed.

Q Tell us something about how you can reconcile this apparent contradiction.

A I think my phraseology was somewhat inaccurate. I was not paying particular attention to this point.

Q Tell me further, besides German workers there were foreign workers, prisoners of war, and concentration camp inmates all included in this manpower. The question of prisoners of war and concentration camp inmates I shall deal with later. At this time I merely want to ask you, this is in it a contradiction with your assertion since you said that you had no influence upon the requesting of certain types of workers.

A It is to be understood in the sense in which you have just now described it.

Q Under Paragraph 4 of this affidavit you say that the plenipotentiary had accompanied transports of workers on their trips to Germany. From other documents I can prove to you that nor your plenipotentiary representatives accompanied them, but representatives from individual plants accompanied these workers.

A Dr. Boettcher, that is correct. I made myself a restriction in this paragraph which you did not read just now. I add at the end "together with the plants". That is the last line. That is to be understood to mean that representatives of the plants went to the countries concerned who then took care of the recruited workers and who accompanied them on their trips to Germany.

Q What was the tendency to have plant representatives accompany these transports of workers?

A The trip lasted a few days. In the meantime the people had to be taken care of. They had to be fed. They had to be put into the proper trains for otherwise the people would have gotten lost, since they did not know the language of the country. So that for welfare considerations, it was quite proper to have these people accompanied by others who know the conditions.

Q I can now turn away from this subject of foreign workers as far as you know anything about it, and turn to the question of prisoners of war.

PRESIDENT: This would be an appropriate time for our recess. The Tribunal will now recess until 11:15.

(AFTER RECESS)

THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION

DR. KRAUCH (Resumed)

BY D R. BOETTCHER:

Q. Dr. Krauch, we are starting a new chapter, and I am referring to the question of the treatment of prisoners of war, and your own commitment, and their commitment in the economy during the war, within the chemical sector of which you were in charge where prisoners of war were being employed.

Would you please be good enough to tell us whether you particularly requested the commitment, and instigated the commitment of prisoners of war into plants in which you were in charge?

A. In no way at all. This originated from a directive from the Reich Labor Office, as well as from a directive from the Armament Inspectorate who determined the employment of prisoners of war. Personally, I exercised no influence at all, whether or not prisoners of war were being employed. It was simply an order.

Q. The Prosecution has put to you a letter of your associate, Kirschner, directed to General Thomas. This letter is dated the 20th of October, 1941, and it was submitted as Exhibit 473. You will find it in Volume 22, English page 12, German page 12 too.

Did you find the letter?

A. Yes. It is before me.

Q. Would you please be good enough to define your attitude towards it?

A. I must point out that at the time this letter was written, I was considerably ill. I was suffering from pneumonia in both lungs, and Kirschner was the first one who received the doctor's permission to see me.

It was a matter of course for me to ask him how things were

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It was a matter of course for me to ask him how things were

going outside, how the military situation was progressing, -- he was an officer -- and what the situation reports from the East were, etc.

He told me that a number of heated battles were going on, and that millions of prisoners of war had fallen into the hands of the German Wehrmacht. He furthermore said that one was no longer master of the problem, that when these huge, unexpected masses of prisoners of war were captured, it was a problem of how to care for them. He said that they were all crowded into camps, and that it was impossible to get the reserves of food in time into the camps so that the regrettable situation had arisen where thousands of prisoners of war had to starve in such camps.

I naturally replied the following: "Is it not possible to help these unfortunate people? Why does one not undertake the following? Since one has brought these prisoners of war into the camps, one could just as well bring them into Germany and have them used in the economy, which can certainly better cope with problems of food, etc., and as a result the fact of these people would be considerably alleviated."

This was the basic thought which prompted me when I addressed Kitschner in that way. This at the same time was the basic thought which prompted Kitschner to direct this letter to General Thomas.

Q. Were you at the time aware of the regulations concerning the prisoners of war within the armament industry as the result of the Geneva Convention, the Hague Rules of Land Warfare, etc?

A. I was not aware of these regulations.

I did know, however, that within the organization of the ORW there were certain agencies which were exactly informed about the regulations of the Geneva Convention, etc., and who according to such regulations had to steer the employment of prisoners of war. Just for example, for instance the prisoners of war were sent into a plant upon the orders of the Labor Office.

Then an officer appeared who was used for this purpose, belonging to the OKW. This officer belonged to the organization Stalag. The officer would then proceed to settle with the plant leader, all questions concerning housing, nourishment, and the actual employment, which may be important in this connection.

It was he who determined where the worker could possibly be committed according to the regulations of the Geneva Convention, but that was not all. Repeatedly and rather regularly, plants were visited by this officer of the Stalag organization. It was he who controlled whether the orders he had given to the plant were being adhered to, and whether the prisoners of war were being used for purposes which were not in compliance with such orders given.

Q. If I understand your statements correctly, you have stated that your own suggestion was based upon humane considerations, and that with respect to the employment itself, the OKW was the agency which determined it.

A. That is what I said with my own words.

Q. Was a directive issued to use prisoners of war as workers in your plant?

A. Yes.

Q. This directive is contained in the documents submitted by the Prosecution. I am referring to Exhibit 12, page 1287, Document book 67, English page 10, German page 9.

It is the order by the Chief of the Supreme Commander of the Armed Forces dated the 31 of October 1941, concerning the use of prisoners of war in the war industry.

I have a question to put to you, Dr. Krauch, in that connection, with respect to the connection between your instigation and this order. Do you assume that this order by Hitler was issued upon your initiative and your suggestion?

A. I am not sufficiently conceited to believe that.

Q Would you please give us your reasons for that, basing yourself upon the period which had elapsed?

A The gap in time between the letter of Kirschner to Thomas and this decree by Hitler was, as far as I can remember, eight to ten days. We know, and I am sure it is similarly true of other countries, that official channels take up a considerable amount of time. Until a letter, passing through the various ministries and could get to a certain office, meant that three to four weeks had to elapse. I think it is entirely out of the question,--merely from time considerations,--that any influence of my letter can become apparent upon this order by Hitler.

Q Can you recall any proof that the same question which concerned you was also concerning other personalities?

A I believe that this was a question of general interest. The use of prisoners of war in the war industry represented nothing new. During the first World War, I was the plant leader at Leuna Works. For the very same purposes for which prisoners of war were being used in this instance, English, French, Belgians and Russians were used there.

Q In order to substantiate your opinion, would you please get hold of Document 472, Document Book 22, English page 10 and German page 10. Would you please define your attitude towards that document, very briefly?

A May I ask you, it is Document 472, is it?

Q Yes, Document 472.

A There are only two pages there. What page are you referring to?

Q I direct your attention to II, after the Fuehrer's speech of 10 March 1941.

A In this report notation by the department chief, and I assume it is the OKW, it is stated that the entire continent had to be used for German war industry. All available labor had to be utilized in that respect. Then there are a few sentences. "It is therefore

absolutely important and it is impossible to do that unless we have the use of Russian civilian workers and prisoners of war."

Q And what do you conclude from that letter?

A I conclude from it that there was an order coming from the highest levels to use prisoners of war.

Q And in what proportion to your suggestion does that stand from the point of view of time?

A Well, very shortly thereafter. It must have been a matter which had already been previously prepared.

Q Dr. Krauch, I think you misunderstood me. I am now referring to the time relationship between your suggestion and the Fuehrer Order.

A Eight days.

Q I am interested in showing that the suggestion to employ prisoners of war dates back to the 3rd of October, as can be seen from Document 472.

A I beg your pardon; I haven't seen the date. I can see now that the date was the 4th of October which means that it is even a date before my own suggestion.

Q Let us now turn to the question as to where and in what manner prisoners of war were being utilized on your plants on the building work?

A They were used for building and installation purposes.

Q Do you know anything about their having been used in production?

A The employment of labor in production, as I have previously stated, was not under my charge but rather under the charge of the Ministry of Economics.

Q A few individual questions in that respect. The prosecution charges you with respect to the minutes of the Aufsichtsrat meeting of 30 May 1942 where Geheimrat Schnitz, in connection with the Vorstand report referring to the year of 1941, has stated that the scarcity of labor must be overcome by the prolongation of work days and by the

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commitment of women, prisoners of war and foreigners. Would you please take a position in that regard?

A What Geheimrat Schmitz has said in this instance was a generally known fact. It actually came into effect in the year of 1941, a time when such usage was generally known.

Q With reference to the question, did you discuss the question of the admissibility of the employment of prisoners of war in detail, or was the opinion represented that such a matter was up to the OKW to decide?

A I believe that Geheimrat Schmitz said nothing more than what you have quoted here. All participants in this meeting knew that the care for prisoners of war was a matter of the OKW.

Q In your affidavit, Exhibit 481, of the 22nd of January 1947, Document Book 23, English page 47, you say, under paragraph 5, that prisoners of war were used for construction rather than production work. Would you please define your attitude in that respect?

A This use of prisoners of war for construction work certainly did not come under my charge. This referred to a directive of the Gauleiter who issued this order in agreement with the army authorities concerned. Neither I nor the plant in question could do anything against the issuance of any such order.

Q I shall now leave this chapter and I shall turn to the last point regarding the so-called slave labor program. I shall now turn to the problem of the employment of concentration camp inmates. I should, first of all, like to say quite generally that I am not asking you for a general statement with regard to this problem, but that I am asking you quite clearly and concisely to take up position with respect to the facts asserted by the prosecution. Firstly, would you please take position with respect to a question which was particularly emphasized by the prosecution - that is, that the area where the new Buna plant was to be erected was chosen in consideration of the fact that concentration camp inmates would be available there?

A I believe that every technical expert who has to deal with such questions is no doubt aware that in the choice of any such building area the consideration of workers is never decisive. The choice is contingent upon other considerations. I should only like to mention the proximity of coal with respect to transportation difficulties, the proximity of water - and the chemical industry uses water particularly. In some cases the proximity of calcium. In other cases, the proximity of salt, etc. And, of course, the soil is important, too. It is very difficult to erect a large plant in the mountains. These are the considerations which are decisive for the choice of any such building area. Workers can be moved from one place to another. One can erect settlements for them, but the other very important conditions for the plant, such as coal and other things, are very important and they have to be taken into consideration. In other words, such considerations are decisive which I have just mentioned.

Q It is your opinion that such conditions like coal and water were only decisive for the choice of Auschwitz?

A This is my absolute conviction.

Q Now, the employment of concentration camp inmates starts in Auschwitz. I am referring to the well known decree of Goering of 18 February 1941. This decree was submitted by the prosecution as Exhibit 1417, Document Book 72, English page 39, German 66. Would you please get hold of this document, look at the decree, and then tell us something about it? I draw your particular attention to the subject "Measures of Population Policy."

A As I have already previously mentioned, the labor question was a question to be solved in every problem of construction. Unless there were workers, a plant could not be erected and could not go into operation. Decisive problems such as coal supply, water supply, etc., had been studied satisfactorily and it was now important to solve the labor question because, although not being any scarcity of human beings, there was always a scarcity of workers who could come into question for the building and erection of a large scale industrial plant. It was general usage with the I.G. Farben, something which had been practiced long before that date, to connect with the erection of factories a very general settlement policy, as a result of which it was possible for the I.G. to bring chemical workers from their main plants to the respective areas and use them there as the nucleus for the new plant to be erected. This problem had to be solved and that, no doubt, was the purpose of this decree by Goering.

Q How did it come about that this decree was especially directed to Himmler?

A Himmler had been appointed by Hitler as Reich Commissar for the Settlement of the Eastern Territories for the purposes of Germanization. It was to him that such population policies and settlement policies were subordinated and he was the one to decide.

Q Did Auschwitz belong to this territory?

A Yes.

Q Had Himmler, in that connection, already approached you with respect to the problem of employment of concentration camp inmates?

A Yes, that had happened a considerable time before that date, but naturally had nothing to do with the question of Auschwitz which was then not yet acute.

Q Would you please be good enough to describe this situation briefly?

A It was Himmler's idea, which he transmitted to me through the mediation of Kranefuss, to erect plants of the SS through the work of the inmates of his concentration camps. The question which he directed to me through Kranefuss meant to ask me whether it was possible to use chemists and engineers from the chemical industry for such plants, whether I could put such workers at his disposal who could then undertake the tasks of directing the building and operation of a plant. It has to be kept in mind that the SS would naturally be fully in charge and be fully able to dispose of the concentration camp inmates employed in such plants. I replied to Kranefuss that I considered this thought as being absolutely untenable. I said that I would personally refuse to employ a man behind whom, so to say, a policeman would be standing with a rubber truncheon and who would hit him occasionally. I said that this was entirely

out of the question in a chemical factory. The worker and the plant management have to be connected with a situation of utter confidence and faith, something which was entirely impossible under such circumstances. I could never expect other human beings, other chemists and engineers, to do something which I would not do myself. This was the opinion which I uttered towards Kranefuss for Himmler's attention. I deemed it necessary to inform other gentlemen of the chemical industry about my attitude on this point in case Himmler would try to contact them through the SS on this point. Himmler, however, did not do so. According to my knowledge, the entire matter was dropped at the time.

Q This referred to a quite general idea of Himmler's. Why was the decree issued by Goering and why was it necessary in February, 1941?

A Goering was extremely interested in the building of this particular plant, moved by purely military technical reasons. Buna was particularly important for the aviation because of the huge tires of airplanes. The air force was to be considerably expanded. There was a general scarcity of Buna and, in addition, the Buna plants already erected by the I.G. were, from a strategic point of view, very unfavorably located. Schkopau was near Merseburg, Huels was in the Ruhr territory, Ludwigshafen was on the Rhine. These were the three plants which, up to then, were in operation and which were all within easy reach of enemy air forces and bombings. The attack on London, which then was carried out by the German air force, had resulted in a failure. Goering probably had expected that reprisals would be taken by the British, as a result of which these very vital plants were particularly endangered. He particularly, as chief of the

air force who was responsible for these matters, had to take care that no interruptions occurred in Buna production as a result of the destruction of the plants, and he had to see to it that another plant, a fourth Buna plant, would be erected at a place which was strategically better located.

Q That will suffice as to Goering's interest.

Now, Goering issued his decree. Why were copies of this decree sent to you?

A Copies naturally were firstly sent to the minister in charge, the Ministry of Economics, State Secretary Syrup. Then copies were sent to the Chief of the Armament Ministry under whose charge the building permission to be issued for such a plant was. I have to mention here, by the way, that no building, no plant could be erected without permission having been received from the Chief of the Armaments Ministry, who, after all, controlled all the building material as well as all the building workers who were employed in Germany. It was up to Todt's initiative and he was in a position to stop an erection project if it seemed necessary to him because of the scarcity of labor and material. We have sufficient examples in that respect.

Q. I should merely like to clear up a doubt which may possibly arise with respect to translation. You said that copies of that order were directed to the Reich Labor Ministry.

Why were copies directed to you?

A. This building project Buna had to be included within the framework of the Karinhall Plan. I had to tell the I.G. that the labor question had been settled through Goering's decree and that therewith one could start the planning of the building project.

Q. Who had to decide with respect to the employment of concentration camp inmates?

A. The decision regarding the employment of concentration camp inmates rested naturally with Himmler. He had to act according to Goering's order.

Q. Was it possible that you or the I.G. could take up a position with respect to Goering's decree or Himmler's execution, or, expressed differently: Was it possible for you to refuse to work with concentration camp inmates, something which, after all, would have been in compliance with your inner attitude which you have explained to us before.

A. This was naturally out of the question. It was an order. We were confronted with an emergency situation, an order decreed by the Government which had to be executed under all circumstance.

Q. Would you please very briefly indicate, in order to clarify this matter, whether penal regulations were in existence with respect to this matter, and what punishments could be expected by those persons who would potentially oppose such an order?

A. Any act to the contrary would have immediately been interpreted as sabotage and would have resulted in a sentence of death.

Q. And now let us turn to another question. You have spoken about this problem in your affidavit of the 13th of February, 1947. This document was submitted by the Prosecution as Exhibit 1420, Docu-

ment Book 72, English page 65, German page 105. One may perhaps be of the opinion that the description which you gave us in this affidavit was somewhat different from the description you have given us now. Would you please speak about that?

A. Dr. Bootcher, I don't know what passage you are referring to. Would you please name the passage?

Q. I am referring to paragraph 9 of your affidavit.

A. Paragraph 9 reads: "When the SS (Kronefuss) approached me respecting the employment of concentration camp inmates, I refused it because the conditions of employment for the prisoners seemed to me unworthy of human beings." I think I have already explained this sentence before. If I continue to read — and I quote: "Thereupon the Auschwitz Buna plant received from the Ministry the information that it was intended to assign concentration camp inmates to the Auschwitz I.G. Buna plant." It looks now as if my first expression with respect to the employment of concentration camp inmates was connected with the concentration camp inmates' assignment to the Buna plant. I think that I have cleared up sufficiently that that was not the case and that this was a matter which had already been previously prepared and arranged.

When I was interrogated at the time I couldn't remember the connection clearly. The employment of concentration camp inmates in Auschwitz was carried out upon Goering's decree of which we have just spoken.

Q. We have heard General of the Waffen SS Wolff with respect to this question. Did Wolff's statements remind you of these events?

A. Yes, that is quite true.

Q. Would you please tell us briefly, in order to maintain the context, what Wolff actually had said?

A. As far as I remember, Wolff stated that Himmler endeavored to erect a fats factory in Auschwitz with the help of concentration

camp inmates. He said that the directive to use concentration camp inmates for the Buna plant was issued through the Ministry of Labor. I think that is the content of Wolff's statement. Incidentally, I don't have it before me.

Q. With respect to paragraph 9 of your affidavit, I should like to quote: "Thereupon the Auschwitz Buna plant received from the Ministry the information that it was intended to assign concentration camp inmates..."

A. That is quite clear. After the decree had been issued by Goering, the agency which was responsible for the supply of labor the plants — and this was the Ministry of Labor — had to inform the plant how this question was to be solved.

Q. You yourself transmitted this order by Goering?

A. Yes.

Q. Is this transmittal represented in the document 1422, Volume 72, English page 71, German page 113?

A. Yes. That refers to the decree which Himmler had issued, who now had to give all further orders. This decree which had been sent to my office too was transmitted to the plant in charge of the construction.

Q. I should now like to continue with the discussion of the document NI-4033, page 65 of the English text; it is Exhibit 1420. Under paragraph 3, you say, and I quote: "The I.G. Farben could not be forced to the construction of a Buna factory. The Reich Minister of Economics approached them with the proposal in this matter." Would you please explain that?

A. I believe that this statement is based upon theoretical lines; in other words, the I.G. Farben could have theoretically declined. Theoretically, one can also decline military conscription in case of war. What happens to the person concerned is another matter.

entirely. I think that is how I meant the statement at the time I gave it.

Q. What do you mean "at the time"?

A. Yes, at the time I was interrogated by the interrogator I stated that an order had reached the Ministry with respect to the construction of this plant, and I must point out that the I.G. was the only factory which could have built a Buna plant. There was no one else who was in a position to construct any such plant.

Q. At the time you made this statement, was it your opinion that an order by the Ministry of Economics was not exactly present before you, but would have reached you had the I.G. declined?

A. Yes.

Q. Well, in the meantime you had ample opportunity to study the documents, and I should like to draw your attention to the documents which were submitted by the Prosecution, namely Exhibit 1408, Document Book 72, page 1, German book page 1; and Exhibit 1413, Document Book 72, English page 23, German page 40. Do you have these exhibits?

A. Yes.

Q. Would you please state your position in the sense of my question? Would you please tell us whether or not this was an order by the Reich Ministry of Economics?

A. It becomes clearly apparent from these documents that the Ministry of Economics already at this point had ordered the construction of the factory.

Q. From what facts do you conclude that statement?

A. "I ask you to immediately start with the construction of the building plant, the care of which will be in charge of the G.B. Chem. With reference to the plant in Silesia, I ask you to carry out financial questions, etc., in order that the plant may be

satisfactorily built."

Q. Dr. Krauch, I don't think you have to read so much. Just quote the first sentence of the letter of the 8th of November 1940.

A. It says here very clearly: "In the conference which took place in my ministry on the 2nd of November, 1940, under the chairmanship of Dr. von Hanneken, the final decision was made to expand the Buna plants up to ..." this-and-that capacity. It becomes clearly apparent from this document that the building of these constructions was ordered by the Ministry of Economics.

DR. BOETTCHER: One more sentence, Mr. President, and that will bring me to the end of that question.

Q. Dr. Krauch, you said quite correctly that this building project was ordered. Now, would you please look at Exhibit 1413?

A. Yes.

Q. Paragraph 1, second sentence. No, no. You are not getting the right passage.

A. Well, I am passing to the decisive sentence now. "For this purpose the I.G. had to find a fourth plant in Silesia."

DR. BOETTCHER: Mr. President, I think, Your Honor, that I shall need twenty to twenty-five minutes to conclude my examination after the recess, and I ask for your indulgence for having transgressed beyond the time limits stated.

THE PRESIDENT: Very well. In order that we may understand what you have in mind; is it your purpose, then to call another witness and to postpone the cross-examination and the further examination of the defendant Krauch until a later time?

DR. BOETTCHER: Yes, Your Honor. I should like to ask for your permission in that regard. I have calculated that around two o'clock I shall be in a position to call the witness Hilch and after him the witness Schlober. At first, in order to avoid misunderstanding, I shall hear Krauch until the end, which will bring me up to two o'clock.

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THE PRESIDENT: Very well.

DR. BOETTCHER: Then I shall call my witnesses.

THE PRESIDENT: Very well; the Tribunal will rise until one-thirty.

(The Tribunal was in recess until 1330 hours, 14 Jan. 1948.)

AFTERNOON SESSION

The hearing reconvened at 1330 hours, Jan 14, 1948.

THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION CONTINUED

CARL KRAUCH, Resumed

BY DR. BOETTCHER (Counsel for defendant Krauch):

Q. Dr. Krauch, I shall now submit to you, after I have dealt with details of the question of commitment of concentration camp inmates, a fundamental question. When you employed concentration camp inmates, for Auschwitz, did you do anything on your own initiative in the sense that you actually asked that these inmates be employed?

A. No, I did not do that. I even refused and tried to prevent the employment of these concentration camp inmates.

Q. Can you prove that with the aid of a document which the Prosecution itself submitted? I draw your attention in this connection to Exhibit No. 1414, in Document Book 72, English page 28, German page 47. Have you that document?

A. Yes, I do.

Q. What is this document?

A. It is a file note about a conference with me, which was drafted by Dr. Tor Heer.

Q. When did this conference take place?

A. Just a minute -- the conference took place on the 6th of February 1941. On the 10th of February, 1941 -- the conference took place on the 6th of February, 1941.

Q. That is to say, before Goering's order was issued?

A. Yes.

Q. Now I draw your attention to the end of this document, of this file note, where you also discuss the question of workers for

Auschwitz with Dr. Ter Meer. What do you see there?

A. It says here that it is intended in connection with the settlement of German laborers in Auschwitz to contact Reichsfuehrer SS Himmler as soon as the first plans for the Buna plant have been completed.

Q. What is your conclusion?

A. I conclude that it was intended to speak with Himmler about the settlement of German workers, which was to be done. When we wanted to get more clarity on this point we had asked a Dr. Goernert as to this opinion on this point.

Q. "When we wanted to get clarity on this point"? Do you then mean yours and myself? Whom do you mean?

A. Of course I mean "us".

Q. Well, who is Dr. Goernert?

A. Dr. Goernert was the chief of Goering's special train, which meant that he was always in the close proximity of Goering.

Q. What did Dr. Goernert remind "us" of?

A. He reminded us of a conference which took place between Goering, State Secretary Syrup, and Armament Minister Todt, in which the labor question for Auschwitz was discussed in particular.

Q. Did this conference take place in Goering's special train?

A. Yes, it did.

Q. What did Goernert say, briefly?

A. He said that Goering wanted to mediate and make a compromise between the viewpoint of Himmler with regard to the labor procurement for Auschwitz, which wanted to settle concentration camp inmates, and the viewpoint of Krauch, who wanted to use the population already there, and to get German skilled workers into the plant as well.

Q. Very well. Now, we shall come back to your affidavit which the Prosecution has submitted; that is Exhibit 1420, English Document Book 72, on page 65 of the English —around the sixties—

German page 105.

A. Dr. Boettcher, I do not have the document, but perhaps I know its contents.

Q. Yes, that is Exhibit No. 1420. It is quite a simple question. We really do not need the document. You say that the Vorstand of Farben was informed about the question of the employment of concentration camp inmates? May I ask you whether you participated in one of these Vorstand meetings?

A. As I have repeatedly explained here, from 1936 on I no longer attended Vorstand meetings, and therefore it is only an assumption of mine.

Q. Very well. From your own knowledge you cannot say anything about the information that was given to the Vorstand about the commitment of concentration camp inmates?

A. No, in no way could I do that.

Q. Now I have one final question with regard to this affidavit. Under No. 13 you say that the Farben Buna plant Auschwitz was responsible not only for housing but also for feeding and control of concentration camp inmates, and the supervision of the inmates. How does this statement of yours conform with that of the witness Pohl whom we heard a few weeks ago here in this courtroom, and who told us that the feeding, housing, and supervision of the concentration camp inmates was exclusively the affair of the SS?

A. Pohl's opinion is certainly correct, but what I can confirm is that the construction of barracks, the housing of the concentration camp inmates, was drawn up by Farben and that besides that Farben as a whole had to furnish the means for their feeding. But, as we found out, the supervision of this camp, the distribution of the food, was done by the SS.

Q. This clears up the questions about this point and I shall now come to something else. The Prosecution charges you especially with you having appointed the co-defendant Duerrfeld as a commissioner

for Anschütz. May I ask you and point out to you to support your memory Exhibit No. 1500, which is in Book 77, English page 13, German page 20? Please tell us what the appointment of such a commissioner actually meant?

A. The appointment of commissioners was necessary for every new plant that was constructed. For Anschütz it was the Chief Engineer Dr. Duerrfeld. The duties of such a commissioner, or commissar, were to give me a guarantee that the building materials were properly distributed. He was, so to speak, obligated to me as a trustee since, I, of course, could not control it myself, that all the material that had been allocated actually was used for the purpose originally intended and that they were not used for something else. Besides that, he also had to see to it on his own initiative, for reasons of expediency, to order the machinery necessary in such a way that the production and completion of the plant was safeguarded at the proper time. Those were his duties.

Q. Did the appointment of Duerrfeld as commissar for Auschwitz have anything to do with the settlement of the labor question for Auschwitz?

A. Duerrfeld's appointment as commissioner had nothing to do with the settlement of this question.

Q. Then one could not compare this with the Russian expression "commissar" which is very often understood to mean supervising the workers to do more work.

A. It has nothing to do with that. It is really more the function of a trustee. That would have been a better expression than commissar or commissioner.

Q. A further detail. I now want to discuss with you the letter which Pohl wrote to Kranefuss on 15 January 1944 which is Exhibit Number 1513, in Document Book 77, English page 86, and page 162 of the German. Have you that document?

A. Yes, I do.

Q. First of all the initial question. Tell us briefly, who was Kranefuss?

A. Kranefuss was an important member of the Vorstand, as I have already stated in my examination of the previous day, of the Brabag -- the Vorstand of the Brabag. At the same time he held the rank as an officer of the SS.

Q. This letter in front of you deals with questions of labor employment, labor commitment. How did it come about that Kranefuss should concern himself with questions of this labor commitment?

A. Since Kranefuss was a member of the Vorstand of Brabag he was interested in getting labor assigned since the four large gasoline plants of Brabag were under his direction, and they employed many people.

Q. Were the questions of the labor commitment especially acute when this letter was written?

A. The questions of labor commitment had become especially urgent around 1943 and 1944 when this letter was written. Because of the serious losses on the Russian front the OKW now started to draft German workers, who had thus far been deferred, ruthlessly from the industry. Kranofuss, on his own, tried to comply with these requests of the Army. We, however, were of the opinion that it was absolutely necessary to retain the German workers in those plants in which they were working so as to safeguard the operation of the plant. By doing so we had differences of opinion with the officials under my jurisdiction and also because of the fact that they urged drafting of workers in other plants. My gentlemen told me that he, Kranofuss, considered the fact that we retained these people as sabotage of the Army. When my people told him that we were not even able to satisfy our own requirements of labor and manpower he turned to Pohl and he asked him whether concentration camp inmates were available for the plants for the plenipotentiary general for chemical production. As I can see from documents, from letters which Pohl wrote to Himmler and Kranofuss, I found that Pohl did not make available anybody from the concentration camp inmates for our purposes since all these people were urgently needed for the armament industry.

Q. Please answer the question. Does this letter of Kranofuss to Pohl originate from a personal initiative or from an order that you gave?

A. Kranofuss did not get any order from me. He acted on his own and as he saw fit.

Q. Did you ever deal directly with Pohl at any time, who, after all, was competent for the question of labor commitment of concentration camp inmates?

A. I never discussed the question of labor employment of concentration inmates with Pohl.

Q. Another letter important in this connection is the letter

written by you to Kohrl on 13 January 1944. That is Exhibit 477, Document Book 22, English page 33, and page 37 of the German. Do you have that document?

A. Yes, I do.

Q. Who is Kohrl?

A. He was the Chief of the Planning Office in the Armament Ministry at the time, who dealt especially with all questions of my office. I had to make all requests for material and workers to him for his approval.

Q. What was the reason for you to write this letter to Kohrl?

A. In the Armaments Ministry there was a special department for labor procurement and complaints had been launched with Kohrl in this department my office and I still concerned ourselves and tried to get voluntary workers from abroad. This office of Kohrl which took care of the requirements of the armaments industry as well, was interested in seeing to it that my efforts for the voluntary employment should be stopped so that the armaments office itself could dispose of those laborers on their own.

Q. Did you dictate this letter to Kohrl personally?

A. No, I did not write it or dictate it myself.

Q. I do not want that because of such a statement anybody might think that you would try to shake off responsibility for these letters. Therefore, please tell me quite generally how mail was handled in your office, and how letters were dictated and written in your office.

A. Generally all letters were dictated by the experts concerned. In some cases they were submitted to me for my signature, if I was available and if I was present. That can be seen from the letterhead generally in which my initials would then be written in, C.K. — that meant that I would have to have the letter submitted to me.

Q. But that does not mean that you dictated the letter.

A. No, it does not mean that.

Q. Please tell us something about the intentions which your expert wanted to pursue with this letter.

A. We were, of course, interested in maintaining our type of labor procurement, -- that is to say the form of voluntary recruitment, -- and thus we had to overcome resistance of the aforementioned Armaments Ministry, which wanted to take this method and this possibility away from us. Thus, we had been pushed into defensive positions. We wanted to maintain our method and at that time the various offices wanted to push on the shoulders of certain agencies which were not strong enough, the responsibility for certain negotiations. It was the time when we all expected that the war might not be concluded in the manner in which we had hoped, so that the agencies wanted to be covered against any reproaches. Thus the letter is more or less a defensive letter of my office.

Q. Does it have anything to do with your fundamental influence about the procurement and the commitment of concentration camp inmates?

A. No, certainly not.

Q. I now turn to a third letter. That is a letter of yours of 27 June 1943 to Hämmler. Exhibit 1526, Document Book 79, English page 53, and page 50 in the German. Do you have that letter?

A. Yes.

Q. That is Exhibit 1526. Please, what is the contents of this letter and tell us your opinion about it.

A The following incident is concerned here. One day I was called up on the telephone by Minister Speer, and he said to me that in Himmler's headquarters a conference would be held about the development of the Kok Sagys plant.

Q What is this Kok Sagys plant?

A That is a plant which contains a certain milk juice which has rubber-like characteristics and which is suitable for starting material for rubber production. There were experiments that had already been made in Russia, which, however, were later found to have been terminated by the Russians, now that the Russians had started producing rubber synthetically by way of Buna. That had not been known to us as yet, and Himmler, who had studied agriculture, was interested in building up his own rubber production with the aid of his organization. He had planned to cultivate thousands of acres in Russia with this Kok Sagys plant and to build up his own rubber production under the supervision of the SS. This, of course, brought him into certain opposition with the German Ministry of Agriculture, State Secretary Backe, since for the cultivation of this plant a very valuable quality of soil was needed, on which otherwise sugar beet and wheat and other agricultural products could be grown. Therefore, Backe objected to this cultivation. As Speer reported to me over the telephone, Hitler had stated that he was in favor of the cultivation of this Kok Sagys plant, and a conference of the experts should take place in Himmler's headquarters, where the question of the cultivation of the plant should be finally settled. Speer had assumed that these plans were not sound and, therefore, he asked me — since I had already told him over the telephone that it would not be my desire to go to Himmler's headquarters — to send an expert to represent me at this conference. I sent the expert for Buna, a certain Dr. Eckel, and I asked him to go to this headquarters to be present at the conference. There were a number of other agriculturalists, scientists, and other experts present. In this discussion

Dr. Eckel could show that it would be much more economical to produce Buna synthetically, since for the purification of the Kok Sagys juice it would be necessary to build new plants, so that altogether, figuring upon tons of finished products that could be extracted from Kok Sagys, five to six times as many workers would be needed in order to get an equal amount of rubber. Himmler had taken an interest in this question during the conference; and then, after the conference, a personal conversation took place between Dr. Eckel and Himmler. In this conversation Himmler finally decided to give up the Kok Sagys experiments and he stated, at that time, that it seemed more expedient to him now to put workers into the construction of new Buna plants rather than into these Kok Sagys plants. I must mention here that the construction of a new Buna factory was not planned at that time. It was not even under discussion. We had not even started with our plant in Ludwigshafen as yet. The Buna plant in Auschwitz was still far removed from that day and it was to operate at a later time, so that all our attention and all our efforts had to be turned to these plants. Only one year later was the construction of the Buna V factory discussed, after the Allied airmen had bombarded the Buna factories one after the other so that the production had been reduced considerably. Now the military demanded an underground Buna factory to safeguard and secure production. At that time the planning of a Buna factory was undertaken, but it was never executed; it always remained in the planning stage.

Q How do you evaluate the peculiar clause that you sued, "I welcomed especially that as a result of your conversation with Dr. Eckel you might possibly aid the expansion of another synthetic factory by making a suitable concentration camp inmates"? How do you explain this somewhat peculiar phrase?

A That is only a polite turn of speech. I see that Dr. Eckel wrote this letter. He just wanted to be polite and say I was very glad that you saw my point of view that the Buna gained from synthetic processes is the

proper way. This is what he wanted to say.

Q But you do not want to have this phrase understood that you wanted to take any initiative in procuring these workers?

A Certainly not, because I did not have any reason to take any initiative since Buna Plant V had not yet even been discussed, at that time.

Q I turn from these letters and come to a new subject which might be entitled, "Undignified treatment of concentration camp inmates." Did you know anything about such undignified treatment of concentration camp inmates?

A No, I did not know anything about it. As I have already stated in my interrogation, a radio report from abroad had become known to me that very bad conditions existed in concentration camps in Poland.

Q Did you investigate these reports at any time?

A Of course I concerned myself with these reports.

Q Whom did you ask, or where did you get your information?

A I turned to two officials in my office, of whom I know that they had connection with the SS. One of them was my deputy, Dr. Bauer, who was a member of the SS himself, and the other was an Assessor (Mellor, who was a member of the SS and also a member of the SD. I told them of this report of what I had heard, and I asked them to investigate it. I turned specifically to these gentlemen because I had to assume that they had sufficient connection with the SS in order to find out more details about it. Both these gentlemen returned to me after a little while and told me that it was a lie of the Foreign Propaganda Service. They told me that the concentration camps were regularly inspected by commissions of the International Red Cross, just as the prisoner of war camps were inspected, and these commissions concerned themselves with all incidents in the camp. If they had any objections then they could make these, and they would be investigated, and they would be remedied. From the First World War I knew that the International

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Red Cross had earned great merits for themselves for taking care of all prisoner of war camps -- not only in our country but also in Russia where the name Lila Brandstroem was mentioned again and again. I believe that she took care of and visited about 7,000 German prisoners of war in Russia, and she served in this way the International Red Cross.

Q We can leave this subject, and I now come to your visit in Auschwitz in particular. Did you ever visit the Auschwitz plants?

A Yes, in the summer of 1943 I was in Auschwitz -- one time.

Q Were you there alone, or were you accompanied?

A My deputy, Dr. Ritter, was in my company. In addition to that, State Secretary Koerner also went along, and Ministerialrat Steffler also went along in his company.

Q. Please describe your visit in Auschwitz very briefly. What did you see and where did you go?

A. We heard a lecture about the development of the plant, the project of the plant was discussed, the significance of the various buildings was explained. Dr. Ambros was present at this discussion, the engineer in chief, Dr. Duerrfeld gave the lecture. The next day an inspection of the plant was undertaken. It took place in a large company. I usually was not accompanied by a large staff when I inspected plants. I generally went around with the engineer in charge alone, in order to get an unprejudiced impression about the conditions of the construction site.

We had previously entered a high building which gave us a good vantage point over the entire plant. From there I had seen various construction sites where concentration camp inmates were working as we could see from their clothing, from afar. I had resolved on that day particularly to see the manner in which concentration camp inmates were working, and how they were treated. I therefore split up from the guided tour, and Duerrfeld and I entered the various construction sites to see how these people worked, not only from the outside but I also went inside into the buildings.

The impression which I gained was absolutely unobjectionable; it was a good impression. I remember that we ascended by way of ladders. I could see the people, about 15 men, who were concentration camp prisoners, who worked there without any supervision. There was no German foreman there. They were just there working as any other German workers would have done.

They were interested in their work; they looked well fed and well clothed. I saw other places of earth construction. I remember that a young concentration camp inmate joined us at a little distance; apparently he wanted to hear what we were discussing. I permitted him to come along. I saw a man who approached him, and afterward I asked who that man was. I found that he was a so-called Kapo. The young concentration camp inmate was about 19 or 20 years old, and the Kapo reproached this concentration camp inmate and he insulted him probably and then the concentration camp inmate returned to his work smilingly. This gave me the impression that he

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did not take this reproach of the Kage very seriously.

I then visited an apprentice workshop with Dr. Duerrfeld where young concentration camp inmates of about 15 or 17 years were working, where they were trained in installation, work, as is generally done in an apprentice shop. I had a very healthy impression of these young people. They were interested in their work. The general impression which I carried away from this construction site, - and you must remember that I went there especially to look at the activity of the concentration camp inmates, because I had not done this up to that time, - the impression I carried away was absolutely good.

Q. A few individual questions. Did you see SS guards at the construction place?

A. I did not see one SS man in the plant.

Q. Where did you see SS men?

A. At the entrance to the plant I saw a few SS men but I had the impression that they were out there because they knew that a few representatives and officials from the state were arriving.

In the company of State Secretary Keerner there was also the Gauleiter of that district Pracht with his staff, so that they stood at the gate in order to salute us, more or less.

Q. Did you inspect the Monowitz camp, the camp in which the concentration camp inmates working for Farben, were housed?

A. No, we did not inspect that camp. They talked about it. I asked how those people were housed. Duerrfeld told me that they were housed just as all of our other foreign workers and German workers were housed. In order to check this I asked him how much the housing of one man cost. There was a certain fixed rate that I know. The price of housing had risen from 600 to 1200 marks because of the increase in the price of building material.

Duerrfeld told me that the average price for housing a man in this camp amounted to 1200 marks. That was the exact figure which was necessary for

the other plants to house one man. I also talked to Duerffeld, and asked him whether we should inspect that camp and Duerffeld said that the workers were all working at the construction site so that I would only see the empty barracks and the beds, if I went there.

Since I had heard that they were in the same condition as in the other camps which I knew, therefore I waived the inspection since I was short of time and I had to go on that afternoon.

Q. Did you see the Auschwitz concentration camp itself?

A. Yes, I saw the outside plants of this camp. The gentlemen had pointed out to me that the camp contained excellently equipped workshops, in which work was done for the Buna plant in Auschwitz. I was interested to see these workshops. Therefore, after the inspection of the plant was completed, we went to the Auschwitz camp proper.

There an SS leader, a low-ranking SS officer, received us, and he stated to us that an inspection of the workshops on that day was not possible, since the officers in charge of the concentration camp were not present. They had been called away for a conference, and if I remember correctly they had been called to Berlin, and he himself could not give us permission without the approval of these gentlemen, - approval for the inspection. However, he said that he could show us certain outlying factories, very well equipped agricultural enterprises, so that we were led there, and I looked at these stables, agricultural tools and so on. That did not take very long. Then I returned to the exit, said Goodbye to all of the gentlemen who had inspected the other plants.

Then I had shown to me the area where the fields and other farms that were worked on by the concentration camp inmates were located. I myself know something about agriculture and therefore I could get a proper picture about the condition of this enterprise, and I must say that the farms were in good shape.

Q. The Prosecution charges that you must have known that ten thousands of people were burned in Auschwitz. Will you please tell us your opinion about that?

A. I know nothing about the destruction of human beings in Auschwitz.

Q. Didn't anybody point out connections in this question so that you might make conclusions?

A. No, apart from this one radio report, which, however, concerned camps in Poland, nothing like that happened, and I did investigate that report, which, of course, was not corroborated to me.

Q. Duerrfeld states in one of his affidavits , or at some other spot, that the question of a crematory was discussed with you.

A. Yes, that was discussed upon my own instigation. When approaching the plant from afar, I saw a very high chimney which was not smoking, and when we approached the camp I had asked Duerrfeld whether any other plants were in the vicinity of the camp , whether perhaps Krupp had also built in the vicinity.

Duerrfeld answered, that I had probably seen the chimney of the crematory. When I described to him what the chimney looked like, and described the conditions under which I had seen this chimney, -- I remember it exactly now, -- we found that when approaching the camp, I had taken a wrong route, and that therefore I had lost touch with the vehicles preceding the column. I had deviated too far to the north, and I saw immediately that this chimney was not a chimney of the Farben plants, because our chimneys had a special construction, and therefore, I found right away that we were on the wrong route.

I made the driver turn the car around and on the proper street I found the other vehicles which were waiting for me. When I told this to Duerrfeld, he explained to me that this was a super-phosphate plant that was no longer in operation , and the chimney I had seen was from this super-phosphate plant.

Q. Did Duerrfeld give you any explanation for the presence of a crematory?

A. Yes, I asked "why does this plant need a crematory", and Duerrfeld said, "You must take into account that this camp is constantly filled with 100 to 120 thousand human beings. A city of 100 to 120 thousand people has a crematory of the same size for people who died there; this is just the same as they have in any other city.

Besides that he told me that in the Auschwitz concentration camp very serious typhus epidemics had broken out, which resulted in the deaths of thousands of people who were then burned in this way.

Q. When dealing with the problem of foreign workers, we talked about the social care and welfare of these people by you. The question I have in this connection is whether you also concerned yourself with the social care and welfare of the concentration camp inmates.

A. That was impossible in this case, because the SS, under whose jurisdiction the camps were, would not have permitted us to interfere in their measures in any way, and they even prohibited our visiting and inspecting these camps, so that an outsider could not possibly have even gained an impression about it.

Q. Did you hear anything about alleged bad conditions in the Monowitz concentration camp?

A. I knew nothing about this. I knew that the camp was close to the Farben plant. I also knew that the camp was directed by two excellent plant managers, two names I want to give you here. Dr. Ambros, one of our most able chemists, and Dr. Duerrfeld, an excellent engineer. Both are gentlemen whom I certainly expected to have the necessary understanding to do the necessary things to take care of their workers.

Therefore, I saw no reason for doubting the proper social care and welfare at the camp in Monowitz.

Q. Also not in the case of the concentration camp inmates that were working there?

A. Yes, not even for them did I doubt that the care was proper.

Q. In this connection we once talked about a fundamental case in which abuses were reported to you, that you immediately investigated, as you said, at the time. Would you please describe this to the Tribunal, very briefly?

A. That is correct. In Wuertemberg at a certain spot, experiments had been made to get from the oil shale which was found in that vicinity, the oil that could be extracted. That was an old problem for Wuertemberg, which was known to us for quite a while, since I come from Wuertemberg.

All experiments in regard to this problem had not had any success up to that time. A very able official of my plant, surprisingly enough, made a very simple suggestion to solve this problem technically, and this suggestion interested me intensely, so that we decided to build an experimental station there. The experiments carried out there satisfied us completely.

If I was informed correctly, the French Government has also carried out these experiments and are now building a plant.

Q. May I interrupt you to shorten this. A plant for oil shale was built. It was started, it began to operate, and concentration camp inmates were employed.

A. It was a little different, Dr. Boettcher. As a result of the experiments, it was decided that plants should be constructed, on that basis, and of course, it lay close at hand, that the plant manager, Dr. Sennewald, should be charged with operating these plants which the SS and O.T. staffed with personnel and which was financed by the Armaments Ministry.

For this purpose a large number of concentration camp inmates were made available by Himmler. Dr. Sennewald looked at these conditions before the plant started to operate, and he visited me in Berlin and reported that he had seen a large number of concentration camp inmates there, who were in a pitiful condition; that in no way was there any provision made for the feeding of these people, and they were housed very poorly.

We were now writing October as the date, -- we were approaching winter. The people were living in tents on the ground. He, Dr. Sennewald, could not do anything to intervene. On the other hand, he said, however, that he had to report this to me, in order to get my counsel, as to what he should do in this case. He said that he was quite clear in his mind that this was an affair which had nothing to do with me. Moreover, if I pursued this affair, I might get into difficulties, and therefore, he said that he had had misgivings as to whether to approach me on the matter.

I answered him and said, "That is no consideration for me. I cannot hold the opinion that this is none of my business; that I have nothing to do with this; that I can wash my hands of this matter. I cannot do that. I hear that people are suffering, people are in distress, and it is my simple duty, as a Christian to help these people." I said to Sennewald, "Go to Oswald Pohl immediately and explain to him that you have reported to me about these conditions; that I became very excited, and that I considered these conditions as a shame upon civilization, of the lowest type; that on the next day I would go to Schoenberg, and would personally convince myself and draw my own conclusions and take all of the responsibility for it". I was quite clear as to what the consequences would be.

I would have gone to Goering from Schoenberg. I would have reported to him about it. Goering might have explained to me, as he did on another occasion, quite removed from this incident, and he would have said: "I understand your humane considerations completely, but that is a matter which has nothing to do with me".

Then I would have gone to Himmler himself, and I would have told him the same thing, that I had explained to Pohl; that this was a shame on civilization of the lowest type; that I would undertake steps to inform the International Red Cross about it, so that it might have a possibility to intervene.

Q. What was the result of the step which Sennewald undertook with Pohl which was, after all, undertaken on your order?

A. Sennewald returned and said that my words, which he had transmitted to Pohl literally, had impressed Pohl very seriously. Pohl had instructed him to tell me that I should calm down. He would immediately go to Schoenberg himself and see that these conditions were remedied immediately. I then said to Sennewald: "Nevertheless, I want to go to Schoenberg myself." Sennewald told me that he wanted to recommend to me not to do this. He had the impression that my words had had such an effect on Pohl that the latter would certainly do something about it. I then instructed Sennewald to be present when Pohl visited Schoenberg and to convince himself what measures Pohl had undertaken. Sennewald went there, returned the day after the next: and reported to me that Pohl had really done something; that persons responsible for these conditions had been removed and dismissed immediately and replaced by others. The persons would be tried before a court and, as Pohl assured him, they would be punished severely. Pohl had ordered immediately, so Sennewald said, that a carload of medical equipment should be sent there after he had found that no medical supplies were available for the treatment of the people some of whom were seriously ill. Pohl had ordered that the food rations should be increased immediately; that the building of barracks should be started so that when winter approached, the concentration camp inmates could be properly housed.

As a result, I asked Sennewald to report to me fortnightly whether the measures ordered by Pohl were actually executed and how the condition of these inmates had been changed. This was done regularly every two weeks and I was able to convince myself with the aid of these reports that the conditions of the inmates had actually improved as far as housing and feeding was concerned. I myself intended to go there, but, unfortunately, I could not do this at Christmastime because I was sick, and on a trip which was later planned, I had to be taken to a hospital and then the end of the war approached.

Q. I merely want to clarify two things. It was not a plant that was operated by Farben?

A. In no way.

Q. Secondly, the actions described by you were not in the scope of your competency but were done spontaneously by you?

A. That is correct.

Q. A question in conclusion: Do you know of any other abuses in the case of labor commitment of concentration camp inmates?

A. No. This was the one case of which I gained knowledge.

Q. A short point that I want to discuss with you because the prosecution charges you with it. It has to do with the phrase "Central Planning Board." We have already talked about this. Just tell us, quite briefly, what it was?

A. This Central Planning Board was an institution which Speer had founded after he had been charged with the direction of the Armaments Ministry after the death of Todt. In the Central Planning Board there was Speer himself; Field Marshal Milch was there, and later, the Minister of Economics Funk, and State Secretary Koerner so that Goering should be informed about the proceedings of these meetings. Practically, the Central Planning Board had to take care of directing raw material allocations and the armaments industry. One might easily say that it was charged with all of industry.

Q. You were not a member?

A. No, I was not a member of the Central Planning Board.

Q. Were you consulted for sessions of the Central Planning Board?

A. I was invited twice or three times when questions of our construction projects were discussed in the Central Planning Board meetings and only stayed there as long as these questions were discussed.

Q. Can you remember the contents of one of these few meetings?

A. I believe one of these conferences dealt with the Buna project, Auschwitz, in which the plant management of Auschwitz requested German workers for the plant.

Q. What was the result of this meeting?

A. There were also allocations for other chemical plants and it was generally approved.

Q. Now, I can leave this point, and I ask merely a short statement as to your attitude. What do you have to say about the prosecution's charge about experiments on human beings? Did you know anything about the experiments on human beings charged by the prosecution or did you know of any connection, as far as your organization was concerned with these things?

A. I didn't know anything about it, nor did I have any connection through my organization with these experiments.

Q. I now come to the last chapter. A very brief chapter of your examination in chief, and this deals with the subject of your personal attitude in regard to science and in regard to a few human questions. In your activity as plenipotentiary general, did you promote and assist scientific research?

A. Of course. This was very important and I always considered it as my main duty personally to do work for this field since I was especially interested. I believe that this activity was the only one which gave me some joy of living during my entire activity in Berlin.

Q. Can you describe to me the policy which you pursued in carrying this out?

A. After I had arrived in Berlin, I found a very bad situation in science. We had no young students. Because of the Aryanization measures of the government, a very valuable part of the faculties had been forced to emigrate abroad. Therefore, science had suffered a certain vacuum. I very quickly went to the man responsible for this and this was Minister for Education, Rust, and I pointed these conditions out to him. I asked him for his assistance. Rust stated to me - he was a very prominent member of the Party - and he said: "The National Socialist Government is not in the least interested in assisting science today. We have found to an ever increasing extent that from the circles of science the

most unreliable elements stem which oppose the government all the time. First of all, we shall see to it," he said, "that the entire faculty is thoroughly cleansed out and then we shall recruit a new faculty from the elements that are politically acceptable to us." This, of course, did not serve my endeavors at all. I then went to the Reich Minister of Finance Graf Schwerin, of whom I knew that he was an excellent man. He said, when I described the distress in which science was: "I understand what you say completely, but I am in no position to help you today for, if I interfere there, then I shall be approached by all sides to help. The old civil service machinery of the state is also suffering from the same conditions. I am quite ready," he said, "Dr. Krauch, to help you in any way, but make some tangible suggestion which I can use. It is impossible to increase the budget of German universities which amounts to twenty million in any way." This objection of Graf Schwerin suggested a possibility for solution for me later. I suggested to Goering, or rather I had it suggested to him by Colonel Loeb because, at that time, I had no personal connection to him, that from the budget, of which I knew that Goering had it available, he should create so-called Four Year Plan Institutes and this meant that these institutes would not come under the jurisdiction of the Education Ministry but that they were solely under the jurisdiction of Goering himself. I suggested to him to finance these institutes; that I myself would control the tasks to be dealt with and that I would talk to the professors and that I would see to it that they were adequately paid; that the assistants and professors had a proper salary, and I would try, as far as possible, to create in every university such a so-called Four Year Plan Institute.

I shall now consolidate what I have to say, somewhat. This suggestion was approved by Goering and we were able to serve science on a large scale and to give it the assistance which it needed urgently. To give you a figure: In this way it had become possible for us to make available to science, which had a total budget of twenty millions as I said before, for

this purpose a further twenty to thirty million every year.

To give you an example: The Chemical Institute of the University of Heidelberg, which lay very close to my heart because I had worked there as an assistant, was able to get funds which were twice as large as its budget up to that time. With these funds, the director of the institute could employ assistants and give them salaries which corresponded approximately to the amount which a young chemist earned in industry at the time. That was the main difficulty, to get the assistants, because they all deserted the universities to enter industry so that we had no new people for these very simple financial reasons. I believe that this organization proved its worth also during the next few years up to the collapse and thus science was served and was helped out of this difficulty.

DR. BOETTCHER: Do Your Honors want to take the recess now, or can I have ten more minutes to conclude what I have to say?

THE PRESIDENT: I think we'll take our recess at this time.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: You may continue, Doctor.

BY DR. BOETTCHER:

Q. Dr. Krauch, you stated that you complied with war emergency measures because of nationalist, patriotic reasons, because it was your opinion that there should be no resistance against the highest leadership, you nevertheless followed broadly humane considerations; furthermore, that you actually realized these considerations by action. A number of points have yet to be elucidated here, but I shall confine myself to asking you the following. Were such deeds in connection with your activity in the Reich Office for Economic Development and in your capacity as Plenipotentiary General for Chemistry?

A. I think that I can say that as a result of this position I was enabled to adhere to considerations of humanity, as you have just stated. I have always endeavored to exploit my opportunity in this regard in the interest of humanity.

Q. In order to give us a brief survey, could you give us a compilation and tell us exactly to what your deeds referred?

A. I think that I can mention three principal points: 1) promotion of science, 2) support of the church, 3) support of persecuted Jews.

Q. When promoting science, did you principally concern yourself with scientists, irrespective of their Party membership, or were other motives of importance in that regard?

A. Naturally, I did not take into consideration whether a scientist was a member of the Party or not when making my decision.

Q. Let me start by shortly discussing a few single instances when you gave your assistance to scientists, scientists who did not approve of Party principles and who were even persecuted by them.

A. Dr. Boettcher, let me perhaps interrupt you at this point. I believe that which I endeavored to do for science was the

natural thing for a man to do, whose early paths led to science and research. Whatever I did for the church and for the Jews was, after all, my duty as a human being and as a Christian. Let me ask you whether you would be good enough to ask the Tribunal that these statements which, after all, are being corroborated by documents, will suffice. You know that I don't like to emphasize my own person. This is not my inclination.

I think it will serve for the shortening of the proceedings.

Q. Dr. Krauch, I know that I have to adhere to this wish which you have just uttered because, as a result of your personality and your character, you are not inclined to discuss matters of your personal assistance. I shall therefore accept your proposal and I shall submit documents with respect to the same matters.

Only one question, though, in that connection. I shall submit a number of cases to the Tribunal by way of documentary evidence whereby exploitation of your official position and by personal intervention you have acted in opposition to generally prevailing opinion, and in opposition to the National Socialist regime, in assisting scientists, Jews, and men of the church.

Did you give such assistance in recognizing the danger to your own person?

A. I was always well aware of the dangers I risked throughout these years, but I had to act as I considered it to be necessary in the sense of my duty and my honor.

DR. BOETTCHER: Your Honors, with this statement I should like to conclude Dr. Krauch's examination. I shall, however, be permitted to express the request with reference to those points where Dr. Krauch referred to the documents. I shall be a little more explicit than I would have been if Dr. Krauch personally had been able to utter his opinion as to these points.

If the Tribunal would comply with this request, I shall now conclude Dr. Krauch's examination.

THE PRESIDENT: Very well, now, is it your desire to pass the matter of the further examination of the defendant Krauch by your co-counsel, and the cross-examination by the Prosecution, to a later time and produce another witness?

DR. BOETTCHER: Mr. President, I should like to ask for permission to hear the witness Schieber now, since he has to leave Nurnberg tomorrow noon upon orders of the Military Government in order to contact a high military agency in Mannheim.

THE PRESIDENT: Very well then. The defendant Krauch may step aside and the Marshal will escort in the witness announced by counsel for the defendant.

I take it, Dr. Boettcher, that this witness is a German national?

DR. BOETTCHER: Yes, your Honor.

WALTHER SCHIEBER, a witness, took the stand and testified as follows:

THE PRESIDENT: Then, Mr. Witness, you will remain standing for the purpose of being sworn as a witness, raise your right hand, say "I" and state your name.

WITNESS: I, Walther Schieber...

THE PRESIDENT: And now you will repeat after me the oath: ..swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing. (The witness repeated the oath). You may be seated.

May I inquire, Mr. Witness, if the purpose of the lights before you has been explained to you--these light bulbs? Do you know what they are for?

WITNESS: The yellow is to tell me to speak slowly and the red bulb is to tell me to stop.

THE PRESIDENT: That is correct. Now, if you will also remember to make your answers simple and direct and not feel called upon to volunteer statements, but to remember that if your answer is deemed inadequate you may wait for another question, you will help us expedite the trial of this case. The witness is with counsel for the defendant Krauch.

DIRECT EXAMINATION

WALTHER SCHIEBER

BY DR. BOETTCHER:

Q. Witness, will you please give us your first and surname for the record?

A. Walther Ludwig Schieber.

Q. Where do you reside at the moment?

A. At Neustadt, Harburg/Lahn.

Q. Since when do you know Dr. Krauch?

A. As a young chemist. I went to Agfa-Wolfen in the year 1922.

Q. Was this an I.G. factory?

A. Yes, that was a factory which belonged to the combine of I.G. Farben out of which the entire concern was afterward developed.

Q. And how did you meet Dr. Krauch?

A. I think it was in the year 1926 or 1927, when I had to report on a journey to Russia within the Ten, Frankfurt. Subsequent to this report, Prof. Krauch put a number of questions to me, and this is how I recall the event.

Q. In order to clarify it, do you know how Dr. Krauch went to the Four Year Plan?

A. No, not exactly, since at that time I was still at Rottweil on the Neckar, as a relatively insignificant chemist. I only know the following. Either in the year 1933 or 1934, Field Marshal Milch tried to find an expert for the production of Buna and synthetic fuel. I don't know upon whose request this was, but at any rate he appointed Prof. Krauch as his expert. When at a later date, under Col. Loeb, the first stages of the Four Year Plan were organized, the then Colonel General Goering, I think upon Milch's request and the request of a Dr. Goernert, included Prof. Krauch in Loeb's office in the capacity of expert for questions of chemistry. Loeb left the office in 1936, I believe, and Krauch then became the Plenipotentiary General for chemical questions in the Four Year Plan.

Q. When did you yourself enter the organization of National Socialist economy?

A. If you want to include my assignment for the construction of a cellulose fibre factory as part of my entry into this plan, then I must give you the date of the summer of 1935.

Q. In this respect I am interested in the reasons how you gained an insight into the entire State planning in which Krauch played a part.

A. In the field of chemical fibres this was true as from the year 1937; with respect to all other fields it was much later.

After the war, I think the spring of 1941, when Minister Todt asked me to help him with respect to a number of organizational questions referring to chemistry, I was assigned as his expert, and after February, 1942, when Minister Speer entrusted me with the construction and the charge of the Armament Supply Office.

Q. And at that time you could get a picture of Krauch's official activity?

A. As an industrialist before that date I was already in a position to contact Prof. Krauch, who was responsible for economic expansion; but from the time I mentioned our contact became closer.

Q. In that respect, witness, I should like to ask you about the impression which you gained from Krauch's jurisdiction and competency, who held the title of Plenipotentiary General for special questions of chemical production.

One more question, please. According to the German usage of language, we understand "plenipotentiary" to mean a man who has the right to conclude business transactions on behalf of the man entrusting him with these duties.

Considering these points of view, how did you understand Krauch's authority and jurisdiction?

A. Up to my entry into the Ministry, I had not been able to gain an intensive insight into Krauch's work in order to give you a correct picture. But if you ask me about Prof. Krauch's title, then it is merely necessary for you to look once more at its wording. It is a very peculiar title because the Plenipotentiary General for special questions in itself is a strange assignment. There was a very particular limitation already included in the title of his job. In Germany, considering the terrific confusion of jurisdictions, such division of titles was on the daily agenda. As far as I am concerned, Prof. Krauch's task becomes much clearer to me within his assignment in the Reich Office for Economic Expansion. I believe that Prof. Krauch had the assignment of dealing with the expansion of the indigenous substances which had been instigated by Schacht, to plan such possibilities

and then to submit them to the competent department in order to advise them what was to be done with indigenous products.

Q. Did Krauch have the right and the jurisdiction to submit proposals and, beyond that, to make his own decisions?

A. With respect to the fields in which I established contact with Krauch, I can answer that question very clearly. I should like to choose a production field with which I dealt, namely, the production of powder, explosives and chemical warfare agents. In the year 1942, no one knew who actually had any say in these matters. There was, for instance, the Army Ordnance Office; there was a Reich Minister for Ammunition; there was the Ministry of Economics which had jurisdiction with respect to chemical preliminary products; there was Prof. Krauch, with his Rapid Plan; and then there were a few OKW's, and OKM's, each of which believed to have particular jurisdiction in its own field for the production of the materials, explosives, chemical warfare agents which were necessary. This terrific confusion came about because in the year 1941 we believe we had won the war.

Q. At any rate--

A. I beg your pardon, I want to interrupt you. When Speer entered into the Ministry, things changed. And with respect to the special field which I chose as the example in this instance, it was clearly established that the Army Ordnance Office was the agency determining requirements. Bedarfs to get the Plenipotentiary General within the framework of the Rapid Plan, had the task and assignment of planning factories and production bases according to necessity, and this is decisive also, had to construct them.

Once such factories were constructed, they were either handed over to private firms, partly to I.G. Farben, or were handed to a military state company, the so-called Montan, or handed over to another party.

A.- (Cont'd) - From this moment the responsibility as to production went over to the Armaments Ministry Speer, to the Supply Office under my jurisdiction. In summary -

Q.- I beg your pardon. I have one question to you, Mr. Schieber. According to the documents which were submitted by the prosecution with respect to the special field of powder, explosive and preliminary products, Krauch was not in charge of the planning but only of the control of such planning which originated and were instigated by the OKW and other agencies.

A.- That must have been true of the period before February 1942. At the time I was in office I personally precluded an agreement which was designated Loeb, Krauch, Schieber. This agreement bears Funk's signature and Speer's. It was clearly stated in this agreement what the division of tasks were - the ones I just mentioned.

Q.- Very well. At any rate I may conclude from your description of the confusion that authority of decision on the part of Krauch neither existed in the field of explosives nor in any other field.

A.- Doctor, I should like to be very careful in answering this question. You say "in other fields". I don't know with what fields Dr. Krauch dealt. I know a great number of such fields, and with respect to those fields I do know I can say that he not only had the right of making proposals and the duty of planning matters, but that he also received orders for building and for the execution of such building projects. I know, however, that in respect to the same fields to which, for instance, buna production belonged, he had no right to decide about the extent of production and no rights to decide about actually directing production.

Q.- Very well. Another question, Dr. Schieber. The Prosecution has considered Krauch's activity within the Four Year Plan on an even level as his activity with the I.G. It has, in other words, charged him with lacking objectivity. Since you yourself, as you stated, had various dea-

lings with him, you would perhaps be good enough to give us your opinion.

A.- Gentlemen, for thirteen years I have been a member of the I.G. Considering my young years I have been able to receive a rather important position in the I.G. The leadership of the I.G. was always rather generous with respect to its employees.

THE PRESIDENT: Mr. Witness, counsel was asking you with reference to the defendant Krauch. Not your own experiences. Please answer that directly and simply if you can.

A.- Very well. Under those superiors whom I learned to value as objective persons, Dr. Krauch must assume the first place. But I am also to define my position with respect to his capacity as Plenipotentiary General. In this case I can say that I can confirm from my own experience that Professor Krauch endeavored to deal with German industry from his strictly objective point of view. You must excuse me for having brought in the personal note before. But after I left the I.G. I asked for the licencing of a process with respect to the Thuringische cellulose fibre wool of which project I was in charge. My departmental leader who always said that he was as stubborn as I, was against it....

THE PRESIDENT: Wait a moment. I think you have pretty completely answered the question that was asked. Just wait for another now. Another question counsel.

Q.- I believe, Dr. Schiebor, that this basic reply will suffice for our purposes. I shall put another question to you. What do you know about Professor Krauch's attitude with regard to the question of the employment of forced labor in the chemical industry. To put the question again more specifically, was Krauch in favor of the employment of voluntary foreign workers?

A.- I am forced to reply to this question with considerable reticence and search of conscience. Yesterday noon it was put to me that my affidavits were not in compliance with the absolute truth. I beg your pardon —

THE PRESIDENT: No affidavits are here involved. This question was simple and should be answered, it seems to me, either yes or no. You were asked whether or not, witness, whether or not Dr. Krauch favored voluntary employees, employment. Can's you answer that by simply saying yes or no and if you can't, you surely can say you don't know.

Q.- If you please, reply to the question I put to you as briefly as you possibly can. Was Dr. Krauch in favor of voluntary workers or not?

A.- Yes, he was in favor of voluntary workers.

Q.- Could you tell us something very briefly about his attitude with respect to Sauckel's measures, who, in the spring of 1943, was appointed as Plenipotentiary General for Labor Commitment.

A.- He was always in controversies with Sauckel, especially in regard to Krauch's program regarding the firm's individual recruitment foreign laborers abroad.

Q.- Can you say that Krauch, even after Sauckel had received his assignment, still promoted his idea of the voluntary hiring of workers by the firms?

A.- I only know about this question as from that date.

Q.- And as from that date you also know of Krauch's success in this field of the voluntary hiring of the individual firms?

A.- Yes I know about the instance of the recruitment of voluntary workers from Italy.

Q.- Another question. The prosecution charges Professor Krauch with having received and instigating a decree of Goering with respect to the employment of concentration camp inmates in Auschwitz. I should like to explain this to you quite briefly. In Auschwitz the I.G. constructed a Buna plant, the construction of which was headed by Krauch. In that connection the labor question had to be settled and Goering issued a decree according to which the employment of concentration camp inmates was ordered.

Do you know anything about the origin of that decree?

A.- If I am correct in my recollection this decree was issued in February 1941 approximately. That was the date before my entry or before my assignment by Minister Todt in my capacity as expert. On the occasion of one of the first discussions with Todt during which the subject of I.G.'s relationship to the Party was mainly discussed, he drew my attention to a controversy between Krauch and Goering. This controversy had come about because Himmler had provided for a different settlement of the Auschwitz question from Krauch. Since Krauch and Himmler could not agree, Todt and the State Secretary who was then competent, for labor commitment -- I don't know his name -- had to ask for Goering's decision. Goering did not like to make any decisions and arbitrate between highly placed persons and that is why he was rather annoyed at Professor Krauch. That is what I learned from Todt on the occasion of the discussion at the time, who gave me the order to talk to Krauch regarding a number of Party questions.

Q.- Another point. What can you say about the Party's relationship to the I.G. and in particular to Professor Krauch?

A.- As I just told you, Dr. Todt, on the basis of my thirteen year membership in the I.G. on the one hand, and on the basis of my Party position on the other, chose me to advise him with respect to the Ministry's relationship to the I.G. The Party had considerable misgivings about the I.G. and I do not think it is necessary for me to say anything more about that. It is well known.

Q.- Yes, that will suffice. Just a few words about the Party's relationship to Krauch.

A.- I think that the Party in itself had no particular inclination or disinclination with respect to Krauch. On the other hand, Reichsleiter Bormann, particularly after Hess' flight to England -- I can't find a better word -- he was an enemy of Krauch. Repeatedly he not only disapproved of Krauch's attitude with respect to his church opinions, but be-

cause of his alleged international connections, termed his position of Plenipotentiary General for special questions for the Chemical Industry and his position in the Reich Office of Economic Development as decidedly unsatisfactory .

Q.- Was the SD in any way opposed to Dr. Krauch?

A.- I only remember one specific case. In the field of chemistry Krauch had founded an organization with tremendous success which he ran upon his own responsibility. He wanted to create a similar organization with respect to all other sciences — the so-called "free" sciences. Secretary of State Koerner supported this proposal considerably, but Goering quite conspicuously rejected it. No doubt it was because of the opposing attitude on the part of Himmler. Himmler spoke to me about this question at least twice and expressed that as a result of the SD reports which he had before him, Krauch's attitude must at least be designated as inactive if not negative towards the Third Reich.

Q.- One last question. You started a reply and you hinted that the prosecution had reprimanded you. This is quite new to me and can you tell us something about that?

A.- I think since the President of the Court had asked me not to go

into these matters I should not like to touch upon them.

PRESIDENT: You may answer the question. That is a direct question and it's entirely proper.

A. It was put to me yesterday.

Q. By whom?

A. On the occasion of an interrogation during which a number of members of the prosecution were present, that my affidavits were not in compliance with the full truth and that documents were available which proved the contrary. Those documents it was said, bore my signature. I must be very grateful to Mr. Miller for affording me a conversation with him this morning. I described to him the effect these reprimands had on me yesterday and I told him that I was considerably impressed by the fact that shortly after our conversation yesterday noon I was removed from the witness wing into the criminal wing. Mr. Miller told me this morning that this transfer was a silly coincidence and that it had nothing whatsoever to do with yesterday noon's difference. That is why I am particularly grateful to Mr. Miller, because this statement of his relieved all additional pressure from my mind.

Q. Thank you. No further question.

PRESIDENT: Mr. Witness, on behalf of this Tribunal, if there is any further interrogation of you by counsel for either the prosecution or the defense, this Tribunal expects you to answer the question directly and to observe the oath that you took to speak the truth and the whole truth without any reservations whatsoever. You are answerable to no one whatsoever except this Tribunal, so as far as your testimony is concerned and if you do speak the truth you will have no trouble with the Tribunal. Do you understand that?

A. Thank you, your Honor.

DR. DIX: In connection with the position you held I have two questions to put to you. First, I should like to ask you to talk about the methods of the orders for production given to industry with

respect to armament before the period of 1942. It was at that time you first became concerned with these questions and then would you please tell us about the time after that date.

A. I must say that a brief description is hardly possible, but I can refer you to a compilation which I made in the beginning of July 1947 and which I handed over to Herr Dr. Berr, with respect to the advantages and disadvantages of the production management by the committees and boards as the situation existed in Germany in the year 1942. The most essential point is that before the date of 1942 the plant leader was, to a large extent, the master in his own house. After the date of 1942 he had to comply with the responsible decisions of his committee head with respect to the extent of production amount and processes with respect to the products used, the supply and requisitioning of raw materials, fuel, and labor. The head of the committee, with respect to production, was the man on the highest responsible level placed in charge of every factory which fell within his committee. To the extent in which the war situation brought about the increase of the power of the committee head, to the same extent did the competency and jurisdiction of the plant manager decrease.

Q. One supplementary question. Before the year of 1942 the employer during the war, had to comply with the orders given to him promptly and properly.

A. Before the year of 1942 he had his mobilization orders. But it was left up to him to decide on how he wanted to fill these mobilization orders. He could institute his own measures and voice his own measures and voice his own opinion as long as he delivered his orders on time and to a large extent.

Q. One more question. Whenever an entrepreneur, especially after the year of 1942, was told by competent labor offices that he would have to employ foreign laborers and prisoners of war, etc., in order to fulfill the orders which he was given, then he certainly did not

respect to armament before the period of 1942. It was at that time you first became concerned with these questions and then would you please tell us about the time after that date.

A. I must say that a brief description is hardly possible, but I can refer you to a compilation which I made in the beginning of July 1947 and which I handed over to Herr Dr. Barr, with respect to the advantages and disadvantages of the production management by the committees and boards as the situation existed in Germany in the year 1942. The most essential point is that before the date of 1942 the plant leader was, to a large extent, the master in his own house. After the date of 1942 he had to comply with the responsible decisions of his committee head with respect to the extent of production amount and processes with respect to the products used, the supply and requisitioning of raw materials, fuel, and labor. The head of the committee, with respect to production, was the man on the highest responsible level placed in charge of every factory which fell within his committee. To the extent in which the war situation brought about the increase of the power of the committee head, to the same extent did the competency and jurisdiction of the plant manager decrease.

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Q. One more question. Whenever an entrepreneur, especially after the year of 1942, was told by competent labor offices that he would have to employ foreign laborers and prisoners of war, etc., in order to fulfill the orders which he was given, then he certainly did not

have the possibility to reject such foreign laborers because that would have had as a result that he could not have fulfilled his orders.

MR. SPRECHER: This begins what may be a precedent and I would like to discuss the matter with your permission. We consider the last question exceedingly leading and exceedingly argumentative.

PRESIDENT: It's open to that objection. That need not be argued. Counsel, the question is objectionable because it's of a character to suggest to the witness the answer that you want. Ask the question in a way that leaves the witness free to answer it as he wants it and it would then be unobjectionable. The subject of the inquiry is proper. The form of your question is objectionable.

A. May I make a statement?

PRESIDENT: No, wait for another question now and then we will get along.

DR. DIX: I shall merely ask, did an entrepreneur have the possibility, when foreign workers were offered him and distributed to him in order to fulfill his production orders, to reject such workers?

A. Doctor, I wanted to protest against your leading questions. I wanted to protest against it because I believe --

PRESIDENT: The Tribunal will take care of the leading questions. The last question has the approval of the Tribunal, so if you will kindly try to answer it.

A. I think no one in the courtroom could honestly believe that in the year of 1942 and thereafter it would have been possible for a plan leader to reject any foreign laborers which had been allocated to him through his own department over the head of his own committee -- could have rejected such workers whether they were black, white, red or brown. Gentlemen, at that time I myself --

PRESIDENT: Mr. Witness, you have answered that question very fully.

DR. VON METZLER: Witness, when being examined you were speaking about the opposition of the party with respect to the IG. You said that such opposition was generally known and it was not necessary to give any more explanation. I fear that the Prosecution is of a somewhat different opinion in that respect, and I should, therefore, be grateful to you if you would elucidate upon this point.

MR. SPRECHER: As I feel, this likewise is beginning to get into a common precedent, which I am afraid has had certain adverse effects in certain courts here, if it has gotten started, and hence I would like to say this. If there is anything relevant, a plain question without the benefit of a speech or a little sermon to counsel, will certainly be apparent to the Tribunal, and I would like to start the precedent in this Tribunal of having some direct questions, and some direct answers, without a great deal of sermons beforehand.

I object to this introduction.

THE PRESIDENT: Well, we will not go into the field of whether this is or is not a sermon. Insofar as the practice of making statements to the witness is concerned, that is not to be encouraged, although, within reasonable limitations, it is proper for counsel to suggest to the witness the subject about which he wishes to make the inquiry.

We will treat this statement as of the latter character in this instance. Counsel, you may propound your question.

BY DR. VON METZLER:

Q Witness, would you please describe this to the Tribunal at some greater length, and explain what you meant by your statement before?

A The party feared the coming up of the second party. It saw the economic importance of the I.G. as being so extensive that it no doubt regarded the not very cooperative attitude of Farben with considerable suspicion.

I think that will suffice.

Q Did you hear anything of Gaultiers' complaint about the I.G.'s

attitude? Did you hear about that in your official position?

A I have already replied to that. I said that Dr. Todt had asked me to settle and discuss such complaints with Dr. Krauch.

Q Do you know any more details about that from your own recollection?

A I know that the Kreisleiter of Bitterfeld, once very bitterly complained about my departmental head.

Q Who was that?

A Dr. Gajewski. I then replied to Dr. Todt that Dr. Gajewski was an East Prussian.

Q Vary well.

DIRECT EXAMINATION

BY DR. BERNDT (Counsel for ter Meer)

Q Witness, a few very brief questions on behalf of Doctor ter Meer. You were the chairman of the Professional Group Chemistry, within the National Socialist League of German Technicians?

A That's not quite so, but approximately so.

Q Were you the chairman or weren't you?

A The Chairman of the Professional group was Dr. Karius until 1940.

Q And then?

A This professional League which was considerably influenced by the DAF was dissolved and included in the NSBDT, which was the Reich Bund of which I was the head.

Q Who, apart from you, belonged to the Vorstand?

A If you had not told me before that you were speaking on behalf of ter Meer, I would not have known it, but now that you said it, I think ter Meer was the Treasurer, and now I remember that Professor Kuhn also belonged to that group.

Q Professor Kuhn was the Deputy Chairman, was he not?

A Yes, he was.

Q And Dr. ter Meer was Treasurer?

attitude? Did you hear about that in your official position?

A I have already replied to that. I said that Dr. Todt had asked me to settle and discuss such complaints with Dr. Krauch.

Q Do you know any more details about that from your own recollection?

A I know that the Kreisleiter of Bitterfeld, once very bitterly complained about my departmental head.

Q Who was that?

A Dr. Gajewski. I then replied to Dr. Todt that Dr. Gajewski was an East Prussian.

Q Very well.

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Q Professor Kuhn was the Deputy Chairman, was he not?

A Yes, he was.

Q And Dr. ter Meer was Treasurer?

A Yes.

Q Did Dr. tar Maar in his capacity as Treasurer have anything to do in this professional group?

A No.

Q And why not?

A Because the professional group not only held no meetings because of the war, but also because of the over organization which I hated, it was merely an empty shell, but its business was actually managed by the Association for German Chemists, and by the Dechema.

Q Were there repeated sessions of the Vorstand of that group?

A I remember two or three. There may even have been five.

Q Thank you, very much.

DIRECT EXAMINATION

BY DR. HOFFMANN, Counsel for Ambros.

Your Honor, I should like to submit an affidavit executed by this witness. This affidavit deals with an entirely different field. I should prefer to submit this affidavit in that respect, and I should merely like to state that before the Tribunal now.

THE PRESIDENT: The only matter of concern that the Tribunal would have about that subject, would be whether or not there will arise any difficulties about the production of this witness for cross-examination by the Prosecution at some later time, if and when you do offer your affidavit.

What do you know about that? Will it be possible, - if the Prosecution desires to cross-examine the witness relative to his affidavit, - will it be possible to produce him so that the Prosecution may cross-examine him?

DR. HOFFMANN: It is certainly possible, and Mr. Sprecher has just said that he is of the same opinion. The witness is at all times available.

THE PRESIDENT: Very well.

MR. SPRECHER: Mr. President, I have two things. May I have a

little time.

THE PRESIDENT: Yes, just a moment. Did you intend to interrogate this witness, Dr. Hoffmann, at this time?

DR. HOFFMANN: No, Your Honor. I shall submit an affidavit later.

THE PRESIDENT: Is there to be any further interrogation of this witness by counsel for the Defense?

Then the only matter that remains is his cross-examination, and we will not ask you, Mr. Prosecutor to start on that cross-examination this evening.

Did you have some matters you wanted to call to the attention of the Tribunal in the meantime?

MR. SPRECHER: Yes, if you please.

First of all, to Dr. Hoffman's query, this gives us a good opportunity to say that where the witness is available, and the problem which your Honor has just suggested is avoided, we certainly are completely in agreement with the practice which Dr. Hoffmann is just now suggesting, but that is particularly true because Dr. Hoffmann has stated that his affidavit would cover an entirely different subject.

Our feeling is that if a witness is on the stand and any counsel have any related topics, or any short topics that we should exhaust the witness then, otherwise there will be a great deal of confusion in the case.

THE PRESIDENT: Well, the Tribunal had in mind that Dr. Hoffmann prefaced his statement by saying it would relate to an entirely different subject, and certainly would be entitled under those circumstances to offer the affidavit. Under the assurance that the witness can be made available for the Prosecution's cross examination, that will be entirely satisfactory.

Are there any other announcements now on any other subject that should be called to the attention of the Tribunal before we recess for the day?

It is now about four minutes before adjournment time, and we will not continue with the examination of any witness.

Did you have anything further to say?

MR. SPRECHER: My second point, Mr. President, was that the matters suggested by the witness was a complete surprise to both Mr. Dubois and me, in connection with any problems which may have come out of his interrogation. We will investigate that and if we believe there is anything deserving of mention to you we will indeed make a full and frank report in the morning.

THE PRESIDENT: I think I can say that so far as the Tribunal is concerned, as matter now stand, it was one of just passing mention. We are not concerned about matters of that kind unless they do become of some serious character. I may say also, and I speak for the entire Tribunal, that we have the utmost confidence and faith in counsel for the Defense and the Prosecution, so far as the ethics of our profession is concerned, and we do not anticipate or surmise that there will be any difficulties with respect to dealings with the witness of the adverse party. We shall be much surprised and disappointed if anything of that kind arises in the course of the trial of this case.

The Tribunal will now arise until 9:30 tomorrow morning.

(Tribunal in recess until 0930 hours January 15, 1948.)

Official Transcript of the American Military Tribunal VI in the matter of the United States of America against Carl Krauch, et al, defendants; sitting at Nuernberg, Germany, on 15 January 1948, 0930, Justice Curtis Shake presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE MARSHAL: May it please your Honors, all the defendants are present in the court room.

THE PRESIDENT: Is the Prosecution ready to proceed with the cross-examination of the witness?

MR. SPEECHER: Yes, Mr. President.

If it please the Tribunal, the Prosecution has a number of questions to ask Dr. Schieber with respect to his position in the Speer Ministry, and I make this initial statement because I think, in order to understand both this witness' testimony and some of the things which have recently been put in issue, it would probably be well to have some testimony on these various top positions in the Speer Ministry concerning which certainly this witness can give us some further clarification.

THE PRESIDENT: Very well.

CROSS EXAMINATION
DR. WALTHER SCHIEBER, Resumed

BY MR. SPEECHER:

Q. Dr. Schieber, you have just understood my statement. I will ask you some leading questions; if they are wrong, please tell me very directly, and if not, indicate that they

are right.

What was your position in Wilhelm Koppler's Office for Raw Materials and Synthetics in 1934?

A In the Office for Raw Materials and Synthetics, I held no position whatsoever.

Q Did you have any position in the government in 1934 and '35 which had to do with Koppler's office?

A No.

Q Did you hold any position between 1934 and 1941 in the government itself?

A Not in the Reich Government.

Q I will come to the question of Thuringia later. You did hold some type of a position there?

A Yes, that is right.

Q Now, you testified that you were called into the ministry of Armaments and Munitions by Dr. Fritz Todt, the head of that ministry, as a chemical expert, in 1941, is that correct?

A Yes.

Q Now, were your duties under Dr. Todt before he died and before Dr. Speer came along?

A I had two duties: first, I had to deal with a specific chemical question regarding cellulose; second, I held the position of a chemical expert, which Dr. Todt desired especially in order to put into effect the chemical measures necessary for his ministry, which at that time was only the munitions ministry. I should like to mention the most important task which Dr. Todt assigned to me, which was to ask the German chemical industry and German chemical engineers not to build too much, since the war would not permit us to expend too much energy in investments instead

of armaments.

Q Had Dr. Todt come into some kind of conflict in that very connection with the G.B. Chem. as to these total expenditures?

A Yes.

Q Now, after February 1942, when Todt died, you continued in your position in the Ministry of Armaments and Munitions under Todt's successor, Albert Speer, is that correct?

A No, I was given an entirely different position.

Q Well, that is quite right -- after Dr. Speer was there -- but I mean you continued in the position until Dr. Speer gave you a new position?

A Dr. Todt died on 8 or 9 February 1942. Mr. Speer, on 15 or 16 February, asked me whether I would be prepared to set up a system of committees and premiums for the entire industry. As from that date, I received my new tasks, and I had then no longer anything to do with chemistry.

Q Now, in Speer's Ministry, you organized the Armament Supply Office, as you have just testified; is that right?

A The German expression "Armament Supply" comprises not only what the English language means with the word "supply". Therefore, I should like to explain in a few words what the Ministry actually had to do.

Q Well, Dr. Schiebor, may I first ask you about three other questions, and then I will be glad to hear a summary, if it is necessary, by you.

I will merely ask you the following, for the time being. Did you organize and remain in charge of the Ruestungslieferungsamt until November, 1944?

A No, only until October -- I think 10 October 1944.

Q Now, let me ask you if there were the following three main executive offices in the Speer Ministry. First, the Armaments Office, which was first under General Thomas until late '42 or early '43, and then under General Wagner, W-a-g-n-e-r, until the end. Is that correct that that was the first?

A First the Armament Office, under Wagner until January 1945.

Q And second, the Armament Supply Office (Ruestungslieferungsamt) under you?

A The Armament Supply Office (Ruestungszulieferungsamt) from February 1942 until October 1944, under me ...

Q And third, the Raw Materials Office, under Hans Kohrl?

A The Raw Materials Office from 29 October 1943 until the end under Kohrl.

In addition however, there was the Office for Power, the Central Office, which had charge of the entire administration, the Office for Civilian Production --

THE PRESIDENT: Just a moment ... Dr. Boettcher?

DR. BOETTCHER: Your Honor, the Prosecution has started to cross-examine the witness, supposedly. However, I did not put any questions with reference to these organizations on the course of my direct examination, and I fail to see the sense of these questions in cross-examination. I refrained from addressing the Tribunal in order to follow the development, but the more I am able to follow these questions the less I can see a connection with what I asked.

THE PRESIDENT: The objection of counsel for the Defense is well taken, so far as we recall the scope of the Prosecution's examination in chief. However, there is a proper phase of cross-examination which, to a limited degree, goes beyond that,

and that is to test the memory of the witness and to test his knowledge of the general subject about which he is testifying, and to determine the weight that should be given to his testimony. That is a limited field and should not be explored too far, but perhaps this present inquiry might be justified on the basis of testing the credibility of the witness and his recollection about the general affairs of his official activities. And on that basis the objection will be overruled, with the admonition that there certainly should not be too much inquiry along that line.

MR. SPEICHER: These were preliminary questions which I thought would be helpful, and I think the next several questions will indicate that, Mr. President.

BY MR. SPEICHER:

Q Now, these three offices that I mentioned, respectively, with perhaps the exception of Energy --

A May I raise an objection, counsel? You did not mention the most important office within the Armament Ministry, that was the Technical Office, under Sauer, which was in charge of the entire armament.

Q Now, the three offices I mentioned - the Armament Supply Office, under you; the Armaments Office, under Waeger; and the Raw Material Office, under Kehrl -- these three offices respectively were in charge of the production of finished armaments, equipment, and intermediate products and raw materials, is that correct?

A No.

Q What were these offices in charge of, witness?

A The Armament Office had in particular to deal with the question of labor requirements addressed to the Plenipotentiary for Labor Commitment. And beyond that, it had as its most important task to act as the head of the Regional Ruestungskommandos (Armament Commandos). The Raw Material Office was in charge of the entire raw material production. The Supply Office was in charge of the entire production of intermediate steps between raw materials and finished equipment.

Q Thank you; that is what I meant to say in another way.

Now, under each of these three offices, there were the so-called "Rings" or Main Committees, which controlled production and gave orders as to what the individual enterprises were to produce.

THE PRESIDENT: Now, counsel, just a moment please. We perhaps are reaching the stage where Dr. Boettcher's objection would be pretty well taken. We overruled it a little while ago on the theory that you were entitled to show background and the knowledge of this witness. But primarily you understand, of course, that the purpose of this cross-examination is to inquire into things he testified about.

MR. SPRECHER: Exactly, Mr. President, and he talked about the authority of the G.B. Chem. and his importance. Now, I don't see how we can evaluate that testimony unless we can see how the G.B. Chem. fitted into the general production and labor picture; and these were the three main offices for these three types of products. I was about to show how the office of this witness related to the G.B. Chem.

THE PRESIDENT: That would certainly be proper, if you get to that point.

MR. SPRECHER: I am sorry, but ...

THE PRESIDENT: Very well, go ahead.

BY MR. SPRECHER:

Q Now, under each of these offices -- I will repeat my question unless you remember it.

A I can reply now.

Q Thank you.

A In the Armament Office there were no "Rings" or committees. In the Raw Material Office there were Economic Groups. In the Armament Supply Office there were both Rings and committees. If it is necessary, I can explain to you the difference between a Ring and a committee.

Q I don't think that will be necessary. I only asked you if the Rings or the Main Committees controlled the production and gave the orders. Now, will you limit your answer to the Ruestungslieferungsamt in that connection? Is it true that the Rings and the Main Committees under your office controlled the production and gave the orders as to what the individual enterprises were to produce?

A The orders according to which we had to produce came from the agencies which originally issued the request: that was the Army Ordnance Office, various ministries, the OKH,

the OKW, etc. There was, for instance, also the Ministry of Aviation. It was our duty to distribute these orders to the individual industries, and the committees and Rings with their responsible leaders had to see to it that this production was actually put into effect.

Q Now, is it true that, as head of the Ruestungslieferungsamt, you were in charge of the so-called Rings or Main Committees which directed this distribution and the supervision of production with respect to the intermediate products for armaments, which included chemicals, powder and explosives, and poison gas?

A Yes.

MR. SPEECHER: Mr. President, that was what I was getting to, because I felt it would help.

THE PRESIDENT: We are just a bit jealous of the use of twenty minutes in getting it. Go ahead.

BY MR. SPEECHER:

Q But your office, as you testified yesterday, was not in charge of the planning, construction, and expansion of new plants which were intended to increase the production capacity in these fields, is that right?

A That is not quite right.

Q Please explain.

A My office was responsible for development in the field of iron industry.

Q I am sorry, witness, I was only talking about the chemical industry.

A In the Armament Supply Office we had powder, explosives, chemical warfare agents, and the intermediate products therefor, to be dealt with in the chemical field. The planning with respect to these products was exclusively

in the hands of the Army Ordnance Office or in the hands of the High Command of the Navy, and the High Command of the Air Force. These agencies ...

Q Witness, just a minute. In my opinion your answer is not responsive to my question. Perhaps you did not understand it. I am not talking about the ultimate orders that stated that the Third Reich needed certain munitions in certain quantities in order to carry on the war. I am talking about the planning and the construction and the expansion of chemical plants. Were those underneath your jurisdiction or were they not?

A No; these matters were not under my jurisdiction.

Q Under whom were these matters?

A The planning for needs was subordinated to the military offices, which up to the year 1941 or 1942 were also in charge of building and construction in the field just mentioned. Subsequent to the tremendous confusion of which I spoke yesterday, and particularly in view of the very high demands of iron for this particular field, an agreement was reached after the year 1942, as I also mentioned yesterday, between the Army Ordnance Office, the G.B. Chem., and the Armament Supply Office, according to which the planning for all the needs was put in the hands of the Ordnance Office. The G.B. Chem. had to undertake the planning of construction and the construction itself, because of his expert position. The Production was under the Armament Supply Office.

Q Now, was the G.B. Chem. underneath the Speer Ministry?

A Never.

Q Under whom was the G.B. Chem.?

A I should like to give a dual answer to that question.

It was either the Four-Year Plan or the Reichsmarshal himself, with respect to his tasks as an expert. However, with respect to his construction tasks, he was subordinate to the individual ministries. For example, to the Ministry of Economics, with respect to the execution of the industrial tasks with which he had to deal.

Q Now, is it true that the Central Planning Board was established in April 1942, upon a decree of Goering's in his capacity as the Commissioner of the Four-Year Plan?

A Yes.

Q After the Planning Board was established, did the G.B. Chem. go to the Central Planning Board for raw material quotas, raw material supplies, needed in construction?

A The Central Planning Board was the agency which decided in the case of each one of these requests. The G.B. Chem. in his capacity as the bearer of these requests had, in the case of iron as well as of other sources of power --.

THE PRESIDENT: Witness, please. That is a question that ought to be very directly answered, and there is no obligation on you to make any explanation. It is a question that appears to the Tribunal that you should answer yes or no, and if you will it will save us valuable time.

A Yes.

Q Thank you very much. Now, for manpower quotas. The G.B. Chem. went either to the office of Sauckel, and then later on, when manpower became still more pressing, to the Central Planning Board, with respect to these matters; is that correct?

A I don't know any details about that, but I do know that the G.B. Chem. who generally had direct contact with the Plenipotentiary General for Labor Commitment, once --.

Q That is Sauckel?

A Sauckel, yes.

Q Proceed.

A ... once was requested by the Central Planning Board to undertake to submit the work requests to the Central planning Board. Considerable controversy resulted from this. That is why I remember it.

Q Now, you were asked some questions yesterday with respect to the employment of foreign laborers, and you gave certain opinions in connection therewith. You know, as early as the middle of 1942, that the SS itself became heavily involved in war production, did you not?

A Yes.

Q And did you yourself make any recommendations, participate in any discussions with high SS leaders concerning the assignment of concentration camp inmates to war production industry?

A Yes.

Q In that connection you often talked to Himmler, Pohl, Kammler and other SS leaders, is that true?

A Little with Pohl, twice or three times with Himmler.

Q Did you inform Himmler personally that you were satisfied with the total development of his concentration camps in war production?

A Would you please repeat that question? I didn't understand it.

Q Certainly. Did you ever inform Himmler personally that you were personally satisfied with the total development of his concentration camps with respect to war production?

A No, because according to an agreement between Speer and Himmler only a very small part of concentration camp inmates were to be used for the armament industry, whereas the larger part of concentration camp inmates, as a result of direct negotiations between industry ...

PRESIDENT: Mr. Witness, the first word of your answer was complete. As another question.

Q Did you discuss special munition projects? By that I mean pistols, carbines, anti-tank guns, and their

production in concentration camps yourself with the use of concentration camp inmates?

PRESIDENT: Just a moment please.

DR. BOETTCHER: Objection. I can see no connection with the direct examination. I never discussed this question. When I examined the witness I discussed only the assignment of concentration camp inmates to Auschwitz with reference to buna production.

PRESIDENT: The burden is on you, Mr. Prosecutor, to justify that question.

MR. SPRECHER: I should have thought, since the witness talked about that, that showing his relations to these high SS leaders was important. But beyond that, Mr. President, Dr. Dix and one or two other counsel asked him some questions about the question of cooperation and the requirement of taking these laborers, and I will ask something in that connection which I think will be interesting, very soon.

THE PRESIDENT: The objection is sustained.

BY MR. SPRECHER:

Q With respect to the assignment of concentration camp inmates, with respect to which you testified yesterday, as Dr. Boettcher has just said, I will ask you whether or not you personally informed Himmler and Pohl that you approved the program for armament manufacture by the use of concentration camp inmates.

PRESIDENT: You can answer that very directly, yes or no. I beg your pardon.

DR. BOETTCHER: Objection. I did not speak about the program of concentration camp inmates. I asked the witness only whether he knew how the decree of Goering of 18 February 1941 had originated. I put no question to him about the

program as such. I asked only about the origin of the Goering order dated February 1941.

PRESIDENT: The observation is pretty well taken, Mr. Prosecutor.

MR. SPEICHER: May we have just a minute? Mr. President, it seems to me also the question of this witness's credibility is involved, and perhaps I can finish this matter rather rapidly by a rather direct question.

PRESIDENT: Very well. Then are you withdrawing the question pending, or shall we rule on the objection?

MR. SPEICHER: I withdraw the pending question.

BY MR. SPEICHER:

Q For the purpose of testing your credibility, Dr. Schieber, I will ask you a rather simple question. After talking to the Economic Division of the SS, to Pohl and Kammler or Himmler among others, did you get the commission, you personally get the commission, to go to the Heereswaffenamt to conduct negotiations concerning any of the following concentration camps, so far as using their concentration camp labor was concerned, for war production purposes, and I mention the following concentration camps.

PRESIDENT: Just before that. Now, Mr. Witness, there is an indication that there may be an objection, so please do not answer until I tell you to. Go ahead -- complete your question.

MR. SPEICHER: Hamburg-Neuengamme, Auschwitz, Lublin, Ravensbruck, and later on an unnamed concentration camp for female inmates. Did you ever receive any directions to negotiate with the HWA Heereswaffenamt, Army Ordnance Office, with respect to using those concentration camps for armament production?

DR. BOETCHER: Objection. This has nothing at all to do with the question of the origin of the Goering order. It is an attempt to bring up the concentration camp question here during the examination of the witness. Nor has it anything to do with his credibility. As to credibility, it would suffice to ask the witness about the origin of the Goering decree.

MR. SPEECHER: Mr. Examiner, I don't think that the witness's testimony was limited merely to the Goering decree concerning slave labor. And even if it were, it seems to me it would be important to know whether this witness is willing to admit his own involvement before you can determine whether or not his testimony concerning someone else's involvement is correct.

PRESIDENT: That inquiry is not calculated to throw much light on the credibility of the witness. It seems quite clear to the Tribunal that it is entirely outside the field of any of the examination in chief. If we permitted this question to be answered we would be opening a door to a wholly collateral inquiry apart and separate from anything about which the witness has testified heretofore. The objection is sustained.

THE WITNESS: Your Honor ...

PRESIDENT: There is nothing before the Tribunal, Mr. Witness, at this time. We have ruled the question out as improper. Wait for another question. Unless you had some personal communication aside from your inquiry, to address to the Tribunal.

THE WITNESS: Your Honor, my credibility has been doubted in this courtroom. I should like to reply to the question of the prosecutor.

PRESIDENT: Mr. Witness, just let me say this to you,
and that will suffice. The credibility of every witness is
a proper inquire before

the Tribunal. Perhaps you misunderstand what we mean by credibility. That is your knowledge of the subject. Your familiarity with the things about which you testify and many many other things of that sort. You need not concern yourself about any reflection whatever on you, so far as these inquiries are concerned. Proceed, Mr. Prosecutor.

BY MR. SPEECHER:

Q. You testified about the defendant Dr. Krauch's interest in technique in bringing foreign labor to Germany during the war. Did you mean to indicate that Dr. Krauch favored in his recommendations the bringing of blocks of laborers from a particular firm to Germany under the direction of their old managers?

A. Yes.

Q. Do you know whether or not the representatives of the G. B. Chem. in labor matters in foreign countries carried out any other activities than that particular project you have just mentioned with respect to the procurement of Arbeitseinsatz (labor supply).

A. I only know one of these foreign delegates of the G. B. Chem. That is Lieutenant Colonel Kirschner. I was responsible for production in Italy, and Kirschner handled this voluntary labor commitment in Italy and organized it in the chemical industry there. I do not know whether Kirschner had any other duties in Italy.

Q. Do you know whether or not Kirschner dealt with certain employers of these laborers or with these laborers, as to whether they wanted to voluntarily come from Italy to Germany? You see the difference?

A. Yes. I can not tell you with any degree of certainty. It is my opinion that he negotiated only with the firms, but I can't tell you that for certain.

Q. Then you don't know about Kirschner's activity outside of Italy?

A. No.

Q. And do you know about any of the other assistants whom Dr. Krauch had for labor matters?

A. There was a certain man working with Dr. Krauch whose special duty it was -- I am afraid I have forgotten his name, perhaps Dr. Krauch will be able to tell me -- who mainly had to establish contact between the G. B. Chem. and G. B. Arb.

Q. That is Sauckel's office?

A. Yes.

Q. We realize that. But I mean with respect to this recruitment in foreign countries: Italy, Serbia, France. Do you know any other people besides Kirschner?

A. I can't tell you that.

Q. And you only know something about Kirschner with respect to Italy, is that right?

A. Yes.

Q. Thank you very much. Now, you said that because of your Party position you had to advise Dr. Todt in certain connections with respect to Farben, is that right?

A. Yes.

Q. Now, let's ask a few questions about what your Party position was, so we can see why you were called on to mediate and advise. You joined the Party in 1931?

A. I believe so. It may have been 1930.

Q. You joined the SS in June 1933?

A. Yes, I believe so.

Q. When did you become Gau Economic Advisor of Thuringia?

A. I never became the Gau Economic Advisor of Thuringia, but on the 2nd or 3rd of February 1939 I was entrusted with the provisional leadership of the Gau Economic Office.

Q. Well, that is what I meant. Now, that office was

DR. BOETCHER: Objection. I put no question to the witness

with respect to his Party membership.

PRESIDENT: The objection is overruled. That inquiry is proper.

BY MR. SPRECHER:

Q. Witness, Fritz Sauckel was the Gauleiter, the highest Party official in Thuringia, from 1933 until the end, was he not?

A. Yes.

Q. And, when you were provisional head of the Gau Economic Office in Thuringia, you were advising Sauckel, is that correct?

A. Yes, in economic matters.

Q. Yes, of course. Therefore you, in this position, were a member of the leadership corps of the Nazi Party, the Korps der Politischen Leiter der NSDAP, is that right?

A. Yes.

Q. In the SS did you obtain the rank of General or Brigadefuehrer?

A. As soon as I took up a special position in the Speer Ministry I received the title of Brigadefuehrer in the SS.

MR. SPRECHER: No further questions.

PRESIDENT: Very well, is there any redirect examination on the part of the defense?

BY DR. BUECHER:

Q. Witness, two very brief questions. You were saying that Dr. Krauch at one time was asked to appear before the Central Planning Board and that on that occasion, as you expressed yourself, a controversy arose, a clash came about. Can you give us briefly the occasion and the manner of this controversy?

A. I have to draw your attention to the difficulty of recalling an event which lies some years back. I do believe that during this meeting of the Central Planning Board either Minister Speer or Sauckel told Krauch in very drastic words that with respect to himself

and his own duties he always wanted something special with respect to the requisition of workers. I believe that, Mr. President, I must emphasize that I can not say it with absolute certainty, that Krauch, at the time, was not yet ready to take over workers allocated to him. I remember one sentence in this connection which became conspicuous to me because I took a stand in that respect myself. In Sauckel's allocations of workers who were supposed to be properly fit workers, unfortunately some children were also included and no plant leader ever thought of employing children. I suspect that a similar occasion arose when Krauch and Speer clashed. I rather want to say it was Speer with whom he clashed and not Sauckel.

Q. Thank you very much. One more question, and with that question I should like to try to clarify a concept which played a part during Mr. Sprecher's cross-examination. It is the concept of planning. One must distinguish between two types of planning. You used the word planning as to need. Who was in charge of that?

A. The military agencies and the ministries.

Q. And then in the German usage of language one can use the expression planning in a different way. Planning for construction of factories and plants.

A. Not so much for the construction but for the chemical processes to be chosen.

Q. Such planning was relegated to second or third place in that process wasn't it?

A. Yes.

Q. Did the G. B. Chem. have anything to do with the planning as to need?

A. No. Since the time I was in a position to judge matters, certainly not.

Q. Thank you very much. No further questions.

PRESIDENT: Any further examination? Any further cross-examination?

and his own duties he always wanted something special with respect to the requisition of workers. I believe that, Mr. President, I must emphasize that I can not say it with absolute certainty, that Krauch, at the time, was not yet ready to take over workers allocated to him. I remember one sentence in this connection which became conspicuous to me because I took a stand in that respect myself. In Sauckel's allocations of workers who were supposed to be properly fit workers, unfortunately some children were also included and no plant leader ever thought of employing children. I suspect that a similar occasion arose when Krauch and Speer clashed. I rather want to say it was Speer with whom he clashed and not Sauckel.

Q. Thank you very much. One more question, and with that question I should like to try to clarify a concept which played a part during Mr. Sprecher's cross-examination. It is the concept of planning. One must distinguish between two types of planning. You used the word planning as to need. Who was in charge of that?

A. The military agencies and the ministries.

Q. And then in the German usage of language one can use the expression planning in a different way. Planning for construction of factories and plants.

A. Not so much for the construction but for the chemical processes to be chosen.

Q. Such planning was relegated to second or third place in that process wasn't it?

A. Yes.

Q. Did the G. B. Chem. have anything to do with the planning as to need?

A. No. Since the time I was in a position to judge matters, certainly not.

Q. Thank you very much. No further questions.

PRESIDENT: Any further examination? Any further cross-examination?

MR. SPRECHER: No.

PRESIDENT: Or direct? Then the witness will be excused by the Tribunal and the Marshal may escort him away. Are you ready to call your next witness, Dr. Boettcher? Just a moment. Mr. Marshal, we will give you the name of the next witness.

DR. BOETTCHER: With the permission of the Tribunal I am now calling the witness, Milch, into the witness stand.

PRESIDENT: You will bring in the witness, Mr. Marshal.

J. ERHARD MILCH, a witness, took the stand and testified as follows:

PRESIDENT: Mr. Witness, you will remain standing for the purpose of being sworn as a witness to testify in this proceeding. Raise your right hand, say "I" and state your name, please.

WITNESS: I, Erhard Milch --

PRESIDENT: And now repeat after me the oath. Swear by God the Almighty and Omniscient that I will speak the pure truth, and will withhold and add nothing.

(The witness repeated the oath)

PRESIDENT: You may be seated. The witness is with the defense.
BY DR. BOETTCHER:

Q. Witness, for the record will you please give me your first and last name and your present place of residence.

A. Erhard Milch, Prison, Landsberg.

Q. Witness, would you please tell us when you first established contact and made the acquaintance of Dr. Krauch?

A. In the year of 1933.

Q. What was the occasion of making his acquaintance?

A. Herr Voegler, an acquaintance of mine of the Vereinigte Stahlwerke, came to me and I asked him to name two experts to me, one with respect to questions of steel and one with respect to chemical questions.

Q. What was your special interest in chemical questions?

A. I was interested in matters of aviation for which certain chemical products were important.

Q. I beg your pardon. Would you please describe very briefly your interest with reference to aviation in order to clarify these matters to the Tribunal?

A. At that time in the year of 1933 I was State Secretary for Aviation in the Reich Ministry of Aviation. To this sphere belonged everything which in any way had to do with aviation in Germany. That is to say the entire civilian aeronautical -- all civilian aviation, all aviation schools and all aviation scientific institutes. We needed a great amount of gasoline, oil, benzol, and in addition were very interested in rubber or we were interested in the substitute of rubber which was buna.

Q. And what was your special interest in getting Krauch's information with respect to these questions?

A. I was well aware of the following questions existing in Germany. First, the scarcity of foreign exchange -- that is to say not enough foreign exchange was available in order to buy sufficient gasoline, oils, and rubber abroad.

(answer continued)

Secondly, as an aviation technician, I was well aware that through the medium of hydrated fuels, in the same way through the way of chemically produced oils, and through the way of buna, a number of technical improvements had come about and could be gained.

Particularly with reference to the increased performance of engines. At the same time I knew that Germany had 8 millions of unemployed persons. I knew that every agency in Germany was interested in developing more work in Germany in order to remove this huge army of the unemployed.

Q In order to get on, what was the result of your discussions with Krauch?

A I asked Mr. Krauch to develop the question for me and submit a proposal in this field. It was my impression then that this important field of hydrogenation, for instance, had not been sufficiently explored on the part of the state. Since I also knew of the Government's intention in the field of motor cars and tractors in agriculture, I wanted also to have these questions included in Dr. Krauch's proposal.

Q Dr. Krauch at that time used the expression of 4-year plan?

A Yes, he had distributed these tasks through a number of years; and then one spoke about "year plans" throughout the world. There were 5-year plans in other countries, 3-year plans, etc.

Q Did this 4-year plan have anything to do with the later 4-year plan launched by Hitler?

A No, it had nothing to do with it.

Q Was Krauch's memorandum realized and put into operation?

A At first not. I reported to my superior, Goering, about the result, and he said that he would deal with any further developments, but in the first years of our acquaintance nothing was actually done.

Q Then you went to Oppau, didn't you?

A Yes.

Q Did any practical results come from this visit?

A Not directly. It only resulted in my increasing my efforts in that respect.

Q Do you know anything about how Krauch contacted official agencies?

A Yes, as soon as the 4-year plan was pronounced by Hitler, and as soon as Goering was entrusted with its execution, Goering asked me to come along with him, and asked me to assist him with the execution of the 4-year plan.

Q Do you know anything about the motives which prompted Krauch to accept such an official or semi-official position?

A Do you mean the 4-year plan or do you mean a position in my office?

Q I am referring to the 4-year plan.

A I stated to Goering at the time that I had not sufficient time available to work within the 4-year plan. In the meantime the re-armament of the Air Force had been ordered, and I was kept completely busy with that task alone.

Goering asked me whom I could recommend to him, what persons I knew. I named two. One was an officer under my command. His name was Loeb and the other one was Krauch, with respect to technical questions of chemistry.

Q And why did you recommend Krauch?

A Because Krauch was the only chemical scientist I knew with whom I had had a vague but a satisfactory connection

since 1933. Since the hydrogenation question and the Buna question, etc., were of paramount importance for the 4-year plan, I recommended Krauch to Goering. I recommended him as a scientific collaborator.

Q Do you know anything about Krauch's activities in this first stage of the 4-year plan?

A Yes, Goering ordered Krauch to assist in this plan. There was a large circle of persons who were requested to collaborate similarly. So far as I know Krauch was a scientific collaborator on a voluntary basis, and completely in an honorary capacity.

Although he did not become a civil servant as a result of this position, he held the rank of Departmental Head. So far as I understand it, he was not employed in a sufficiently high position in accordance with his knowledge and ability.

Q Do you know anything about Krauch's appointment as Plenipotentiary General for special questions of chemical production?

A Yes, I heard of it.

Q Can you tell us anything about Krauch's rights and authorities in that respect?

A His authorities were not increased by this somewhat more pompously sounding title. Goering told me at one time that he wanted to emphasize Krauch's position, firstly because he was very satisfied with Krauch's efforts, at any rate that is what the head, leading people in the 4-year plan had reported to him, and secondly --

Q One moment please. I want to ask a specific question. In order to define Krauch's position from their point of view more precisely, the Prosecution once designated Krauch as Goering's right hand. If that characterization is clear to

you, I should like to ask you whether you can share this judgment?

A No, I cannot share that judgment. Even if you wanted to credit Goering with thousands of right hands, Krauch still would not be amongst these thousands.

Q Now witness, I am always in favor of some reasonable limitations. Could you tell me whether one could consider Krauch among the group of his adjutants, and please tell us something about the relationship of an adjutant to the General Field Marshal?

A You mean Reichsmarshal?

Q Yes, Reichsmarshal.

A No, you cannot possibly compare that. I too like clear distinctions. Adjutants were considerably closer to Goering than Mr. Krauch for instance.

Q Do you know that Krauch had the intention of leaving his position as an expert?

A Yes, I know that he tried to do that repeatedly.

Q Do you know also anything about his motives in that regard?

A In the year of 1937 Goering once ordered me to come to him, after the previously mentioned Major Loeb had talked to me, and he told me that Krauch intended to leave his position. Goering gave me the order to speak to Krauch about that, and to try and persuade him to stay. I spoke to Krauch then, in the year of 1937, and I remember that his chief in the I.G. Farben at the time was also present, Chairman Dr. Bosch. I explained to Krauch that he would have to stay at his job because the scientific chemical work was tremendously important, and I told him that it would be very difficult to find a substitute for him.

I also told him that by his staying at his post, he could prevent non-experts from doing all sorts of nonsense in that field. In the Military usage of language we say: I appealed to his professional pride "(Ich habe ihn ans Porte d'Espece gefasst)".

Q Thank you very much. What do you know about Krauch's collaboration with the Central Planning Board?

A Such collaboration was extremely loose in nature.

Q Was Krauch a member of the Defense Planning Board?

A No.

THE PRESIDENT: With your permission, and the permission of your associates we should like to take our recess 15 minutes early today, and recess at this time instead of 11 o'clock.

The Tribunal will now rise for recess.

(Tribunal in recess until 1100 hours)

THE MARSHAL: The Tribunal is again in session.

BY DR. BOETTCHER:

Q Witness, we were just speaking of Krauch's connections with the Central Planning Board. Do you know how often Krauch attended meetings of the Central Planning Board?

A I believe about once or twice.

Q Do you also know the reasons for which he was called to these meetings?

A Yes, it was a question of labor for the armament program. He was invited by the Central Planning Board. Hitler had ordered an armament program. This armament program was dependant on raw materials. The Central Planning Board had to distribute the raw materials. Hitler's programs required considerable more raw materials than were available. We set up an investigation to find out how much more raw material could be obtained. It was discovered that an increase in steel production was possible only if more labor should become available. The Central Planning Board reported this finding to Hitler. Hitler answered: "Sauckel, the Plenipotentiary General for Labor, told me that the labor had been supplied." We said that was not true.

Q I beg your pardon. When you say "we"

A I mean the Central Planning Board.

Q Without Krauch?

A Yes, of course. At that time the Central Planning Board consisted of three or perhaps four persons.

Q Thank you. We have already heard that.

A Krauch could not belong to the Central Planning Board.

The Central Planning Board told Hitler: "The workers have not been supplied", but Hitler did not change his ideas. Hitler put the burden on the Central Planning Board to prove

that it was not our fault - the Central Planning Board's fault - that there was an inadequate supply of raw materials, but that it was the fault of the Plenipotentiary General for Labor. Now, in order to obtain this evidence, the Central Planning Board called representatives from armament and other fields to attend these meetings and thus Krauch was called in for the question of chemical production, and he attended one or two of the meetings.

Q Do you know what the general attitude of Dr. Krauch was on the question of labor, especially the question of employment of foreign workers and concentration camp inmates?

A From one of these meetings I know that Krauch very emphatically demanded German workers. This was the case with all of German industry. Krauch explained his demand for German workers by saying that chemical plants required a great deal of technical knowledge on the part of the workers and that also they were very highly subject to sabotage. If unreliable people or untrained workers should be employed there, there might be great misfortune, explosions, etc.

Q Thank you. That's enough on that subject.

Another question: During the course of the war, prisoners of war were used in German industry, especially Russian prisoners of war. Do you know whether the provisions of international law were observed by the responsible authorities?

A As far as I know, yes, in all cases. I believe you mean the Russian prisoners of war.

Q Yes. Just a moment. Do you know who was responsible and who had the authority to see to it that the provisions of international law about the employment of prisoners of war were observed?

A Yes. The High Command of the Wehrmacht, the OKW.

Q Thank you.

During the recess just now I have taken the liberty of giving you a number of prosecution exhibits. Document 472, Book 22, English page 10. In this same book, we are also interested in Document 473, English page 12, and, in connection with this, Document 1287, Document Book 67, English page 10.

These three documents, Your Honors, are actually a unit and I shall deal with them together.

Witness, did you take note of Document 472?

A Yes.

Q On the basis of your military position, you will be able to tell us what this document is, what the contents of this document are.

A On the basis of the Fuehrer's speech of 3 October 1941, in which Hitler said that all labor resources in Europe should be put to work for German war economy, the Chief of the Armament Office, Thomas, General Thomas, was given notes for a report on the labor requirements and the person drawing up this report writes to the General that about 800,000 workers are needed; for armaments, 404,000; for the Krauch Plan 43,000; and for the Reichsbahn, the Reich railroad, 100,000.

I am finished. I merely want to say that General Thomas writes to a General Nagel, asking that this matter be reported to Reichsmarshal Goering.

Q Thank you.

What I am primarily interested in is the figure under II, witness, in the middle where it is said that the requirements for labor cannot be satisfied without the use of Russian prisoners of war.

MR. SPEECHER: Mr. President, I come mainly on a point of information. I don't want to constantly rise and object concerning things like these which are just transpiring if that is in accordance with the wishes of this Tribunal.

First, so far as the document goes, of course, it speaks for itself and merely having this witness, or any other witness, read part of it to the Court is unnecessary. The time for briefs is not through the witness stand, but through briefs, and, secondly, where Dr. Boettcher, without asking a question, merely points out parts of documents and then goes on, we think that too is brief matter and the examination of these witnesses concerning the contents of documents, unless they are to add something that is new or different or distinct, is not helpful and is out of place.

DR. BOETTCHER: May I say something, Mr. President?

In view of the large quantity of material that we have here, to get the answers from the witness quickly and efficiently, I consider it necessary to present a few basic documents and then to ask very brief questions. These three documents are closely connected. If I ask questions without showing these documents to the witness, I have to ask many more questions than if I showed him the documents.

MR. SPEECHER: Well, I trust there is no confusion of the two points. Dr. Boettcher is talking about something entirely different from what I was mentioning.

THE PRESIDENT: The Tribunal realizes that sometimes preliminary questions are technically objectionable and they are permitted if they expedite the interrogation of the witness. Of course, the purpose of the examination should not be and cannot be to have the witness merely read the documents or part of the documents, but if it is the purpose of counsel for the defense to direct the attention of the witness to these documents or parts of these documents as preliminary to some inquiry about the documents, that would be proper and, of course, counsel cannot be charged with the fact that the witness perhaps has

overstepped in reading too much from the document.

Go ahead, Doctor, and we think you understand, or course, that the purpose of this examination should not be to reiterate the document, but only to lay the foundation for some inquiry concerning the documents.

BY MR. BOETTCHER:

Absolutely, Mr. President.

Q. Document 473, witness, if I may say so to shorten the proceedings, is a letter of an associate of Dr. Krauch by the name of Kirschner, dated 20 October 1941, to General Thomas in which Kirschner reports on an idea of Krauch that Russian prisoners, large numbers of whom were at that time in the prisoner of war camps under very difficult circumstances, should be used in industry. The third document is the order for commitment of labor- that is, Document 1287. That is the order from Hitler himself, dated 31 October.

Is that clear?

A. Yes.

Q. Question: The prosecution contends that the suggestion given by Kirschner under date of 20 October 1941 to General Thomas about the use of Russian prisoners of war was the cause of Hitler's order. What do you have to say about that?

MR. SPEECHER: Mr. President, this runs into the question I mentioned again yesterday and I would like to, with some insistence, try to get the matter cleared up. We don't think it's proper, with a friendly witness of the defense, for the question to start out with the general statement to the witness as to what the prosecution is contending. In the first place, it's often true that the defense counsel misrepresents what even the Indictment clearly says, but apart from that possibility of misrepresentation, we don't think that the witness is entitled to that type of advice. It indicates to him very clearly what counsel has in mind. I have no objection to Dr. Boettcher, as he has just done, summarizing a document and then asking an actual question.

THE PRESIDENT: Perhaps it is unfair to the prosecution to say that the prosecution contends this or that. It certainly is proper for Dr. Boettcher to develop what this witness knows as to the connection between the three documents and as to whether 1287 resulted from 472 and 473.

Doctor, we will sustain the objection as to the form in which you asked the question, but you may get directly to the point as to what this witness knows, if anything, as to whether or not Document 1287 resulted from the others. That would be proper.

BY DR. BOETTCHER:

Q Witness, I shall ask you as follows: Do you believe, according to your military knowledge, that a suggestion of Krauch of 20 October 1941 was the cause for Hitler's issuing the order of 31 October 1941 which is reproduced as Document 1287?

A For several reasons I consider that impossible. First of all, the date of the letter was 20 October and I see the receipt stamp was the 23 of October. That was the date it was received by Thomas. Hitler's order was issued on the 31st. I can only say that the Prussians don't shoot that fast. Such a suggestion directed to the highest level would, even in the most unbureaucratic agencies, take at least three or four weeks to get up to the highest authorities. In the second place, in the report of 4 October, which Thomas sent to the Reichsmarshal through General Nagel, the whole matter is suggested and in the speech of 3 October, Hitler had already made the same suggestion. In the third place, I should like to say that Hitler, who was a dictator, after all, did not pay any attention to the suggestions of industry, but a dictator acts on his own ideas and his own authority. Otherwise, he wouldn't be a dictator.

Q Thank you, witness.

A I can add that, from my knowledge of Hitler, Hitler would listen least of all to industry.

Q Thank you.

Another subject: Witness, do you know anything about the attitude and ideas of Dr. Krauch on collaboration with other countries?

A Yes. In the discussions which I had with Krauch in 1933, 1934 and 1935, he often spoke of collaboration with other countries. I was especially interested in that since, as former head of the German Lufthansa, a civilian aviation company, I had quite a number of friendships and contacts abroad.

Q Here is a concrete question. Did Krauch prove this attitude by his deeds?

A As far as I know, Krauch said to me at that time that he had made trips abroad himself; that he had arranged agreements in America and in England. For example, the hydrogenation process and also the Buna process and the magnesium process were sent to America and England by Germany in exchange for other scientific matters of which I know nothing.

Q Did Krauch also maintain this attitude up to the beginning of the war?

A He did. I cannot imagine science cut off from other countries. Science is international.

Q Thank you.

Another point: In the Spring of 1944 in Obersalzberg there was a discussion with Hitler on the conditions created by air raids. Were you a witness of this discussion?

A Yes, I was there. It was on the 23rd of May, 1944, according to my journal.

Q I was about to ask you how you remembered the date so well. Who was present?

A In addition to Hitler, there was Goering, Speer, several of Speer's officials, Kehrl, Saur. Then there were a few men from I.G. Farben.

Q Krauch?

A Yes, Krauch. I believe Buotefisch and I don't know who else.

Q What was the subject?

A Allied raids on Leuna plants and the resulting danger for German gasoline production, on which the conduct of the war was, of course, dependent.

Q That's enough.

A There was more discussed too. Particularly considerations as to what protective measures could be enacted.

THE PRESIDENT: Mr. Witness, there is no obligation on you to go beyond a direct answer to counsel. There is restriction on counsel as to the questions he wants to ask and if your answer is not sufficiently full, you may anticipate that other questions will be asked. Please make your answers as brief and direct as possible to make your testimony speak the truth.

BY DR. BORTONER:

Q Witness, I am especially interested in questions which were discussed with Krauch at this meeting. That is, what he discussed with Goering and Hitler. Could you please tell me this?

A In the question of what protective measures had to be taken, Goering suddenly made charges against Krauch and said that he had not carried out the construction of hydrogenation plants, Buna plants, etc., in the way Goering ordered it at the time. That is, Goering said that he had always insisted that the plants should be given concrete fortifications, the buildings should be farther apart, and the approaches from one plant to another should be underground, and all this had not been done. The attack that Goering made on Krauch was quite violent and gave the impression damage caused by the air raids.

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Q. Those charges were made by Goering in the presence of Hitler?

A. Yes, and I had the impression that Goering wanted to exonerate himself in Hitler's eyes.

Q. And what was the result?

A. Immediately thereafter a Mr. Goilenberg was appointed commissar, I believe it was called, to take immediate steps, and, in effect, took Krauch's place. The responsibility was taken away from Krauch.

Q. Goilenberg's authority was similar to that of Krauch?

A. No, he had considerably more authority than Krauch had.

Q. Thank you. Now, another subject. You said that you saw Krauch for the first time in 1933, what you went to him with the request for technical advice. I shall ask the next question for the sake of brevity.

In 1936, this request for expert advice was made to Krauch again and he entered the Raw Material and Exchange Staff, and then the Four Year Plan. My question is this. When Krauch was asked for advice, could he refuse? I am not thinking of the moral consequences, but others.

A. In my opinion, as a German, he could not refuse the German Government his collaboration. He could have pointed out that he was not an expert.

Q. What would have been the result of a refusal?

A. In peacetime I cannot say exactly; he could not have worked for Farben anymore either. The government would have insisted that such a man be not permitted to hold a responsible position there. In wartime, such a refusal would have been considered sabotage and the person would have been put before the people's court or whatever court had jurisdiction.

Q. Thank you. This question leads from the consequences for a person refusing a request of the State to the consequences for a business if it refused orders and assignments of the State. What do you have to tell us about that?

A. In peacetime, I believe, 1933 or 1934, Prof. Junkers of the

Junkers airplane plant, for example, refused a request of the government. He did not want to do what the government asked him to do. Thereupon the plant was taken away from him, was taken over by the State, and Prof. Junkers was given cash recompense. I know of another case where they did not go so far, but there was also the danger; that was the Krupp case. Krupp at one time refused to comply, saying that that was contrary to the Versailles Treaty, but Krupp was forced to carry out the government orders; and in 1934 an amendment to the Penal Code was issued in which punishments were authorized for businesses if they did not carry out government orders.

Q. Thank you. In this connection, very briefly, tell us the position of industry in a dictatorship and its relationship to authority in the state?

A. In regard to the whole question of private industry, Hitler was not quite definite up to 1933. It was generally believed that he would remove private industry and have it nationalized. He did not do so; but he distrusted industry. He was also afraid that his main work to adjust the differences between labor and capital and the state might be interfered with by industry. We had four to six million Communist votes at the time, if I remember correctly, and because of the unemployment we were drifting even further toward the Left. Therefore, Hitler distrusted industry. He was convinced that industry's only interest was to fill the pockets of the big capitalists, and that is what he wanted to avoid. In the case of certain big firms he had still further distrust, especially of I.G. Farben, since Farben's inter-national relations indicated that it would not keep all the State secrets and things that happened in Germany would become known abroad. I was once present when Hitler mentioned I.G. Farben by name and said that he thought this company was much too international. He mentioned the close collaboration with the United States of North America,

Q. Witness, pardon me, please. May I draw your attention to the question of authority, acceptance of suggestions made by industry?

A. Hitler was interested in technical questions. In general,

he was not interested in industrial questions. Hitler's point of view was that he could give orders to Germany at all times which absolutely had to be executed.

Q. And that was done?

A. Industry, of course, resisted now and then and at times tried to reduce this pressure, but industry had no other choice: they had to submit.

Q. And that was given a legal basis?

A. Yes.

Q. That was a system of compulsory regulations?

A. And the new penal regulations.

Q. Thank you. No further questions.

BY DR. RUDOLF DIX (Counsel for defendant Schmitz):

Q. Witness, the question which I intended to ask you, you have more or less answered in the examination by my colleague, Dr. Boettcher. But in the interest of brevity Dr. Boettcher, on several occasions, stopped you. I would like you to elaborate on this subject of Hitler's attitude toward industry, toward the exponents of capitalism. Therefore, I should like to ask you what was Hitler's personal attitude toward the social class to which these gentlemen belonged, the big industrialists? Have you anything to add to what you have already said? If so, please do so; if not, then say so, and that will settle my question.

A. I believe I have nothing to add. He distrusted them and they were alien to him.

DR. DIX: Mr. President, I have bad luck in getting witnesses. My witness Schacht cannot travel. My witness Hoffmann, whom I wanted for a remark of Adolf Hitler's about industry which he heard -- which Hoffmann heard -- is in a labor camp. I am informed his whereabouts cannot be discovered. So I must assume that he will not come either.

Would the Tribunal have any objection or would the Prosecution have any objection if I put to this witness the remark which this witness

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Hoffmann is supposed to have heard, and ask him whether he heard about this remark? And if not, whether it fit into the picture which he has of Hitler's attitude toward industry? That is rather daring but I am confronted by an emergency.

THE PRESIDENT: Perhaps, Dr. Dix, you had just better ask the question in the form you want it. Afford counsel for the Prosecution a timely opportunity to object, and then the Tribunal will undertake to pass upon whether or not the question is proper.

BY DR. DIX:

Q. Witness, the photographer Hoffmann said that Hitler, in his presence on some occasion or other, said: It is high time for a prominent industrialist to be shot--but if so, it has to be a prominent one.

Did you ever happen to hear of this remark? Just a moment.

A. No, I did not.

Q. Does this remark agree with the impression that you have of Hitler's attitude toward industrialists, or are you surprised at this remark as having come from Hitler, witness?

A. After 1941, I am not surprised; but before that I would have been surprised.

Q. That about Hitler's attitude toward intellectuals of the intellectual class, as it is called?

A. Hitler made a sharp distinction between intelligent people and intellectual people. He had a high regard for intelligence but he was very much opposed to intellectuals.

Q. Did he like intelligent people because they helped him and could serve him well?

A. I assume so.

DR. GUNDEL (Counsel for defendant Buergin): Your Honors, the witness Milch was approved as a witness for me by order to the Tribunal dated the 13th of January. I intend to examine the witness on a different subject than the one on which he has been examined today, that is, light metals. I should like to present this subject when I am presenting my case for the Defense. I assume that the ruling of the Tribunal which was announced in chambers will permit that, and I therefore ask for permission to examine this witness later in the course of my own case.

THE PRESIDENT: Do you have something to say, Mr. Sprecher?

MR. SPRECHER: I didn't know about this ruling in chambers, and I wanted to say I was agreeable to the whole thing.

THE PRESIDENT: The Tribunal understands what counsel refers to as this. I think it has been informally said by the members of the Tribunal that when a witness is on the stand and testifies in regard to a certain subject or phase, if other counsel are interested in that subject or phase, that the witness should be exhausted on that score. However, if the inquiry that counsel has in mind is wholly unrelated to the matter under inquiry and in the orderly presentation of his case he sees fit to recall the witness to testify on an entirely different subject, that that would be permissible. I take it that the Prosecution would have no quarrel with that rule?

MR. SPRECHER: Obviously not, Mr. President.

THE PRESIDENT: And I may say to counsel for the defendant Buerger that I think he has fairly stated what the Tribunal has in mind as the proper procedure, and that you are at liberty to recall the witness, if he is available to you, to testify upon some entirely different case that may not now be before the Tribunal. However, I would again reiterate that if any of counsel for the Defense are interested in any phases of the subject matter about which the witness is now testifying or has testified, and desire to supplement that testimony, now is the proper time to do that.

Very well.

BY DR. VON MELTZER:

Q. Witness, during your examination you have spoken on the question of whether, in the opinion of the German authorities, the use of prisoners of war in industry was in accordance with the provisions of international law, and you answered this question in the affirmative. Now, I am interested in learning a little more from you of how this question was examined and by what authorities. What do you know about that?

A. The High Command of the Wehrmacht examined it. The result was that the Russian Government had not signed the Geneva Convention and

that the Soviet Government had terminated the Hague agreements which had been signed by the Czarist Government. As a result, the paragraphs of the Geneva Convention and the Hague Agreement on the work of prisoners of war did not affect Russian prisoners of war.

Q. Was anything said about the employment of German prisoners of war in Russia?

A. Yes, I remember that Admiral Canaris, of Intelligence, who reported to me from time to time, told me that the German prisoners of war in Russia were used for work contrary to the Geneva Convention.

Q. That is the same Admiral Canaris who lost his life on the 30th of July?

A. Yes; I don't know exactly when he lost his life. I think it was somewhat later.

Q. Witness, was any investigation made about the employment of other prisoners of war--not Russian prisoners of war?

MR. CROMBIE: I have hesitated to object in the interest of saving time, in the first place, but it seems to me that this is a question, unless it is related to these defendants, which has been covered in the I.M.T. case. Now, if Dr. von Weizsäcker is trying to show that one of these defendants was aware of a particular discussion, then I think on the question of mitigation of crime with respect to whether this particular defendant had knowledge of the thoughts at the time concerning the possible reprisal actions, or things like that, that it might be relevant. But the question as to whether or not the OKW, headed by Keitel, had some internal discussions--on this point it doesn't seem to me very helpful. This Tribunal will have to make the decision about what the international law was insofar as there are now questions which may arise that are not covered by the I.M.T. decision or by the Hague Convention, and what either this witness or General Keitel may have thought about that. What they discussed about it is scarcely relevant in any possible way I can see.

THE PRESIDENT: What is your view, Dr. von Metzler, with respect to the competency of this evidence?

DR. VON METZLER: Well, Mr. President, in my opinion it is essential to clarify whether the highest German authorities were of the opinion that the employment of prisoners of war in the German industry was in accordance with the principles of international law, because if the highest German authorities were of this opinion, then I would say an ordinary German citizen cannot be implicated in regard to this matter simply because he has no guilty mind. In my opinion, it is a question of whether he, the ordinary German citizen, knew that the employment of prisoners of war was not in accordance with the principles of international law; that is a question of guilty mind, and therefore I think that my question is relevant.

THE PRESIDENT: The Tribunal is of the opinion that primarily this is a question of law rather than a fact, although the surrounding facts and circumstances as they were known at the time may be a proper inquiry. Within reasonable limitations, I think it would be proper to permit the Defense to make its showing because, after all, we are not at this time passing upon the legal question involved; and certainly we would not want to find later that we had unduly restricted counsel upon the presenting of some phase of it that might throw some light on the ultimate question to be determined. You can't do any harm to permit a reasonable inquiry along that line. As counsel for the Prosecution has suggested, it certainly might be proper to show what was regarded as a national policy and what these individuals knew about it as bearing upon mitigation at least. And upon that theory we will overrule the objection, but we certainly do not wish to extend too much time on evidence of this character because, as we have already said, it will finally resolve itself into a question of law.

MR. SPRECHER: Mr. President, on the statement of the Tribunal I have nothing further to say. I only wanted to say that if the question

of law was to be discussed here, there are some very obvious points which I would like to raise, for instance, with respect to the individual soldier that has to carry out a legal order. And I just didn't want that question to be raised here because I think it is beyond our competence to go into that phase.

THE PRESIDENT: I think perhaps the fair approach is this: to allow, within a reasonable limitation, the Defense to develop the facts that it thinks may be proper to take into consideration in passing on the ultimate legal question, and pass the legal question until some time when it can be fully discussed. That will be the view of the Tribunal.

BY DR. VON METZLER:

Q. Witness, I shall repeat my last question. Can you tell the Tribunal whether anything was said about the employment of prisoners of war of other nationalities, whether there was any investigation of this question by the German authorities, and, if so, with what result?

A. The question of French and Belgium prisoners of war was clarified by contractual agreements between German and the French and Belgium governments. Other prisoners of war from Holland, Poland, Norway, were not available, since they had all been released. It was quite clear that English and American prisoners of war could not be used for such work, which was contrary to the Geneva Convention.

Q. Witness, on the basis of your experience, can you tell us to what extent the ideal of employment in armament went for prisoners of war, as we all know that was not allowed?

A. The idea was heard at the time that production of transport plans and training planes was not war production, nor the production of railway cars, locomotives, and so forth.

Q Witness, I shall repeat my last question. Can you tell the Tribunal whether anything was said about the employment of prisoners of war of other nationalities, whether there was any investigation of this question by German authorities. If so, with what result?

A The question of French and Belgian prisoners of war was clarified by contractual agreement between the German and the French governments; other prisoners of war from Holland, Poland, Norway were not available since they had all been released. It was quite clear that English and American prisoners of war could not be used for such work, which was contrary to the Geneva Conventions.

Q Witness, on the basis of your experience, can you tell us to what extent the idea of employment in armament went for prisoners of war? As we all know that was not allowed.

A The idea held at the time was that work on transport planes and training planes was not war production, as well as the production of railway cars and locomotives etc.

Q Can you tell us anything about the chemical field?

A According to my conviction gasoline and Buna are not war materials in the sense of the Geneva Conventions.

Q Witness, if I put you that the Conventions speak only of the production of arms and ammunition, how far would this concept go in your opinion?

A I do not believe there is any definite clarity on that even during the war. As I said before, planes -- meaning only finished production of planes used purely for military purposes -- were doubtful. Anybody producing war material for planes--steel or aluminum--which had nothing to do with war work in the sense of the Geneva Conventions, was all right; that was obvious.

Q Witness, let me ask you a specific question. What about Buna?

THE PRESIDENT: Counsel--now, counsel, it occurs to me that this is hardly a field for the use of an expert witness--as to what does or does not come within the scope of the Geneva Conventions or any field of

International Law. You started out, and we permitted the inquiry when you were showing what was the policy of the Germany Government and the responsible officials, but you have departed somewhat from that now, and you're asking him what he thinks about it. I think that's quite objectionable.

BY DR. von METZLER:

Q Then, I shall ask a final question of you, witness. Was this opinion of the German authorities about the employment of the prisoners of war, especially Russian prisoners of war, known to the German public? Was it made public on the radio, in the press, etc.?

A I cannot recall any proclamation.

Q Thank you. I have no further questions, your Honor.

THE PRESIDENT: Is there any further interrogation?

BY DR. ACHENBACH:

Q Witness, you mentioned German air armament. May I assume that, in your position as State Secretary in the Aviation Ministry during the entire time that you were there—from 1933 to 1945—you had extensive insight into the situation in German armaments, especially air armaments?

A Yes, but the date is not 1945; it is 1944.

Q Can you tell me about conditions of German armament in the summer of 1939, in comparison with armament of Germany's neighbors—France, England, and Russia?

A Yes.

MR. SPRECHER: Just a second. Unless it appears obvious to the Tribunal, I would like to have a statement from the counsel as to what his purpose is in that connection.

THE PRESIDENT: The Prosecution is entitled to that. What have you to say, counsel, as to where you're going in this inquiry?

DR. ACHENBACH: Your Honor, I have already had the occasion once to point out to the Court that it is a very important question for us to

know what the accused, or which conclusions the accused drew from the fact of German armament. I am coming to the state of mind of the accused, and I am just asking preparatory questions.

THE PRESIDENT: By that do you mean to say as to whether or not this was intended for defense or aggression?

DR. ACHENBACH: Yes, your Honor.

THE PRESIDENT: Is your purpose, counsel, to show by this witness what other countries were doing in the way of rearmament as a preliminary to showing that these defendants believed that what Germany was doing was related to national defense and not to purposes of aggression?

DR. ACHENBACH: Yes, your Honor. May I say, your Honor, that similar questions, as far as I know, have been admitted, I think with respect to the Witness Ehmann.

THE PRESIDENT: I ask the Prosecution, regarding the statement of the Tribunal and the answer of counsel, do you see anything objectionable to that?

MR. SPRECHER: Well, Mr. President, I'm worried about getting into collateral issues and some issues where, unless counsel makes an offer to show new and strange proof, we would be running into some of the questions decided by the IMT; and on this very point the IMT said that the success of Germany in overrunning nearly all of Europe in a very short time indicated the gigantic and the relative extent of German rearmament as against these other countries. That's one point. Now, the second point is, to ask this witness what his information was at that time, as a General in the Air Force, it seems to me, has awfully little relation and has little to do with laying a foundation as to what these defendants may have had knowledge of in connection with that.

THE PRESIDENT: Well, the qualifications of the witness is another subject; but certainly he might be competent to testify as to what he knows as to what other neighboring countries were doing in the air field and how that compared with what Germany was doing. Assuming that the IMT

decides questions as you have indicated, it would yet be open to show the motives and the purposes and the knowledge of these defendants, as at least in the very narrowest field bearing upon mitigation, would it not?

MR. SPRECHER: I can't see how this bears upon mitigation. If it's on a question of knowledge and a question of participation I could understand that. I don't understand it in that sense. I'm sorry, Mr. President.

THE PRESIDENT: Counsel, restate your question, now that we understand it, and then we'll rule.

BY DR. ACHENBACH:

Q Can you tell me anything about the position of German armament in the summer of 1939, as compared to Germany's neighbors, and about the conclusions which you draw from these facts as to the defensive or aggressive character of German armament?

MR. SPRECHER: Mr. President, on the basis of that question I scarcely feel an objection is necessary.

THE PRESIDENT: Then, there's no objection; the question may be answered. That's the question now; we'll forget the other one.

MR. SPRECHER: All right. Excuse me; then I will object. I thought it was a final argument for the Prosecution. It seems to me that the question of the intent that the innermost conspirators had with respect to rearmament has certainly been decided, and it seems to me that when Dr. Achenbach puts the question on the basis of whether or not there was a defense or aggressive purpose intended with respect to rearmament, in those general terms, it's clearly getting into an inquiry which we're not free to touch upon.

THE PRESIDENT: Very well.

DR. ACHENBACH: I'm sorry, your Honor, but I just asked this witness what conclusions he drew from certain facts. Now, he's an expert in the armament field; now it seems the answer he gives me is

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very interesting with respect to what certain other people might have thought, especially what the defendants might have thought, who probably were not informed to the same extent about the state of armaments.

THE PRESIDENT: THE Tribunal will rule on this question after the recess. We'll now rise and recess until 1:30.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 15 January 1948.)

THE MARSHAL: Persons in the Courtroom will please find their seats.

The Tribunal is again in session.

THE PRESIDENT: The Tribunal has considered the objection to the line of questioning, which was made just before lunch, and it is of the opinion that the inquiry is too remote to any issue involved, as to the guilt or innocence of any defendant, to be admissible. That is to say, the expert opinion of this witness as to the comparative extent of rearmament in Germany and in neighboring or adjoining countries is not calculated, in the opinion of the Tribunal, to have any probative value with respect to knowledge or motive on the part of any defendant on trial. The objection is, therefore, sustained.

DR. ACHENBACH: May it please Your Honors, may I be permitted to present to the Court a line of argument which might conceivably lead the Court to think this decision over?

THE PRESIDENT: This Tribunal is not adverse to changing its opinion, and if you can do that very briefly you may have the opportunity to try and do so.

DR. ACHENBACH: Thank you very much. It is known to Your Honors that Germany at sometime was disarmed and that her neighbors were armed. Beginning with 1935 or 1936 Germany began to rearm. There was a certain margin between the German armament, at least at the beginning, and the armament of neighboring states at that stage. Now, as long as equality in armaments is not achieved, I think it is an element for people who think about the character of armament—whether the armament is defensive or not. It would seem to me that people thought, and the probability is very high that people think that as long as a country is just rearming to achieve equality in order to be able to resist an attack that then, after all this, the objective state of armament is an element for the state of mind, as far as the character of armament is concerned. I was going to

ask the witness just this question, in order to get the objective basis for other questions I would then put to him later.

THE PRESIDENT: Now Counsel, assuming without conceding that it would be proper to show the fact as to what Germany was doing and as to what neighboring countries were doing—I say assuming that without conceding that—that would be proper; and assuming also that it would be proper to show that the defendants knew of that fact or entertained honest opinions as to that subject, nevertheless, it is the opinion of the Tribunal that the so-called expert opinion of this witness would have no probative value in showing either the fact of the extent or comparative extent of Germany's rearmament or the knowledge or belief of any defendant as to the propriety or reasonableness of the rearmament. So, on that narrow score—that your questions were not calculated to show either the fact or the knowledge or belief of the defendants—we sustain the objection without expressing any opinion as to the admissibility of the character of evidence that we have referred to. The ruling will stand.

You may proceed with your examination.

ERHARD MILCH - Resumed

DIRECT-EXAMINATION - Continued

BY DR. ACHENBACH:

Q. Witness, how was German rearmament communicated to German public opinion? What were the reasons given?

A. Propaganda, as emanating from the National Socialist Party, from the beginning aimed at telling Germany how great the dangers were caused by an attack from one of the big neighboring states, on a basis of world politics. In order to counter that threat of aggression and in order to rearm Germany, being much weaker, the main reason and cause of rearmament is to be found.

Q. Was that reason maintained as late as 1939?

A. That reason was given until 1939, after the capture of Prague, which occurred in April 1939. Until then, time and again, the danger was pointed out which was threatening from the East, with the assistance of

Czechoslovakia to Germany.

Q. Did you, in your official capacity, come across any facts which pointed to the aggressive character of German rearmament?

MR. SPRECHER: Objection.

THE PRESIDENT: That needs no amplification. If the aggressive character of the rearmament is an issue it's in the nature of an ultimate fact for the Tribunal to determine, in any event, and hardly the subject upon which even an expert could throw any light for the Tribunal. The objection is sustained.

BY DR. ACHENBACH:

Q. As far as your knowledge reached, was the state of air armament such as to make aggressive war against great powers justifiable or appear possible?

A. No.

MR. SPRECHER: Well, the witness has answered before I could reach the podium; and I move that it be stricken.

THE PRESIDENT: For the purpose of your objection?

MR. SPRECHER: Yes.

THE PRESIDENT: Then, the answer is considered out, and you may make your objection. It has been suggested to us that it's quite apparent that it may have been an error in the translation of your question, counsel. Will you please restate your question, and then, Mr. Witness, wait until the objection is made, and the Tribunal has ruled before you answer.

BY DR. ACHENBACH:

Q. Was the state of German armament such as to allow the conclusion to be drawn that aggressive warfare was intended?

MR. SPRECHER: Objection.

THE PRESIDENT: Now, what is your objection to that?

MR. SPRECHER: Well, the earlier objection which was sustained referred to the extent of German armament generally and as to whether or not the conclusion could be drawn therefrom as to whether or not aggressive wa

was possible. We are now even getting more towards the expert field of this witness who was in the Air armament particularly, and he is being asked his opinion on that point, which is merely a part of the earlier objection which was sustained.

THE PRESIDENT: The Prosecution, as we recall, offered considerable evidence that the extent of rearmament in Germany was to such an extent that it was knowledge within itself of the purpose of aggression. In other words, that it was fairly deducible from the nature and extent of the rearmament program that it was intended for aggressive purposes. Now, on that score, this inquiry would appear to be within the field of proper cross-examination to show by this witness, who purports to be an expert, that in his field, of which he has peculiar and particular knowledge—we may assume of the Air Force—that the extent of rearmament was not calculated to be noticed to industry or to people generally that aggression was intended from it. The objection to the question will be overruled on that basis.

MR. SPRECHER: May we have just a minute, Mr. President?

THE PRESIDENT: Just a moment. We'll stand by for a moment.

May I inquire, Mr. Witness, do you have in mind the question that was asked before the objection was made?

THE WITNESS: Yes, Your Honor, I have.

THE PRESIDENT: Then you may answer.

THE WITNESS: The rearmament of the air force was calculated for defensive purposes. When we began to arm in 1935 until 1939, after an interval of seventeen years, after a time when no armament in the air existed in Germany, it was not suitable to establish a really strong armament in the air. The creation of an officers' corps alone of the leading officers, etc., was not possible in that period of time. In 1937, Goering had turned down the building of large four-engine bombers for which model airplanes were already existing. These models were destroyed and it would have been only with these four-engine bombers that one could have waged an aggressive war directed, for instance, against Great Britain. In 1937, or to correct myself, from 1936 onwards, agreement had been reached with the British Government to have all air force associations communicated mutually. These lists were exchanged between the two countries. British armament was miles ahead of the German armament at that time which applied even to the end of 1939. I myself visited the Royal Air Force on one occasion for a week. I also was the guest of the French Government at one time and there I was shown their institutions and in all frankness such as to ourselves had shown them to the British and French. Conferences held on those occasions, which touched very heavily on political issues, showed that on both sides the intention and conviction existed that conditions in Europe could be settled on a peaceful basis. Initial steps for a United States of Europe were discussed at the time. That was in 1937 and 1938. That war broke out in 1939 was to us, who commanded the various branches of the Wehrmacht, a complete surprise. As late as July, 1939, Hitler told me personally, at a conference where Goering and Udet

were still present, and he gave me the assurance that he would certainly not start a war.

THE PRESIDENT: That's probably an answer to the question.

Ask another question.

BY DR. ACHENBACH:

You said that Hitler, in July, 1939, assured you that he would never allow a war to break out. Can you give us a few details on that conference? Were you not filled with misgivings at that moment?

A. During the last two years I had paid three visits to Hitler in order to tell him that the German air force was in no way prepared to wage war because, for instance, it had nearly no bombs at all. It scarcely had enough supplies for one month., Hitler said: "No war will break out." I told him: "Your policy, my Fuehrer, may easily lead to war at any time." He replied: "That is out of the question." I said: "War is not a one-sided matter which is left in your hands. Your policy might provoke others and that might start a war." He said: "If I see that war is imminent, I immediately withdraw." I said: "That will be very difficult if your policy is too deeply committed", and his reply was: "I shall withdraw so much that my entire prestige might be lost. I know that Germany is not prepared for war and I shall, I assure you, prevent war, as far as you in the Luftwaffe are concerned and that applies also to the Army, not to speak of the Navy which has nothing at all."

Q. Now, after that conference, was it your conviction that an aggressive war was not planned?

A. I was firmly of that conviction.

THE PRESIDENT: Just a moment. That answer may be considered out until the prosecution has made an objection, if they so desire.

MR. SPRECHER: Mr. President, this is a very complicated question and could we have just a minute?

THE PRESIDENT: Surely.

MR. SPRECHER: The prosecution is of the view that the opinion of General Milch on this point is not relevant. We are not anxious to press

the objection in view of the testimony that has just been put in.

THE PRESIDENT: Do we understand that the prosecution is or is not objecting to the question?

MR. SPRECHER: We're making an objection, but it has a certain relation to the previous material which was allowed and we don't press it, but we do want to reserve our rights by indicating to the Tribunal that we think that the material is objectionable because we think it could lead, as we think it is Dr. Achenbach's attempt to lead it, to the whole question of the basis for aggressive war which has been decided by the IMT.

THE PRESIDENT: The objection will be sustained upon the theory that the personal view of the witness as to what he thought, is of no probative value in this case. The answer is not calculated to throw any light upon what the people of Germany thought or what any defendant in the case thought.

The objection is sustained.

BY DR. ACHENBACH:

Q. Witness, after you had talked to Hitler on that occasion did you discuss with other people the question of whether war would break out or not?

A. Yes, I did.

Q. Witness, on the basis of that conversation with Hitler, what was the opinion which you passed on to other people?

A. I told other people - that is to say, people in my sphere of work, I was able to clam them down because we were somewhat excited in those days. I told them: "Hitler told me this and that and, therefore, we can relax. It was only one of his well-known bluffs."

Q. Do you think that this expression of opinion which you passed on to your assistants was then passed on by the latter to wider circles? For instance, to industrialists whom they know.

MR. SPRECHER: Objection.

THE PRESIDENT: Objection will be sustained. That is not the proper method, as we understand it, of proving general knowledge or information.

If he knows what the general opinion was, he can tell us if he has any basis for an opinion on that subject, but to show that from him emanated some statement, that spread out fanlike to other people, would not show the general knowledge of other people in Germany and certainly not of these defendants, unless it reached their ears.

BY DR. ACHENBACH:

Q. Witness, the Presiding Judge has just given you permission to tell us how the German public felt and reacted at the time. Was it believed in German public opinion that war would break out? Did they think that the German Government would use force against its neighbors?

A. In the many mass meetings arranged by Hitler, Goebbels or Goering, time and time again the people were told with emphasis that Germany did not want to start a war, but that Hitler was a Prince of Peace. Otherwise, the German people would not have elected him. The German people wanted peace and Hitler had to take that into consideration.

Q. Witness, when the Protectorate of Bohemia and Moravia was established, do you still remember how that step was explained to the public?

A. The explanation was that aggressive intentions existed on the part of Russia and Czechoslovakia was regarded as the aircraft carrier of Russia, that aggressive intentions existed against Germany.

Q. Do you remember that at that time a publication appeared in the papers - namely, that Slovakia wanted to be independent?

A. Yes.

Q. And another press release that President Hacha had laid the fate of his people into the hands of the German Chancellor?

A. That is what the paper said, yes.

Q. Do you think that German public opinion regarded the establishment of the Protectorate as aggressive attack?

A. The majority I don't suppose did. Certain leading people, yes. Many objections were raised to Hitler regarding this from leading circles of the Wehrmacht, for instance.

DR. ACHENBACH: I have no further questions.

DR. DIX: If the Tribunal please, I would be grateful if permission were given to me to make a very fundamental statement because it is my hope that thereby perhaps we could avoid in future, superfluous discussions concerning the extent of the IMT verdict. In these discussions which have taken place just now, I have repeatedly heard Dr. Sprecher say that certain questions had been settled by the IMT verdict or that a statement of facts were contained in the IMT verdict which were binding to this Tribunal.

THE PRESIDENT: This is hardly the time to undertake to analyze the IMT judgment or determine its binding affect on the Tribunal, but perhaps it would be better to try to keep this evidence within permissible channels and, at the proper time, afford you full opportunity to present your views as to the force and effect of the IMT judgment. I think we'll dispense with that at this time, Mr. Dix.

DR. DIX: As your Honors please.

THE PRESIDENT: Very well.

Dr. Hoffmann?

BY DR. HOFFMANN (Defense Counsel for defendant von der Heyde):

Q Witness, could you please tell the Court the highest rank you ever held in the German Reich?

A I myself was a General Field Marshal and Inspector General of the Air Force.

Q Witness, did you know that as from 1941 Jews were taken from many parts of Europe to Auschwitz in order to be gassed there?

A No. I heard the term Auschwitz as a concentration camp for the first time when imprisoned.

Q What is your explanation that you did not know anything about that?

MR. SPRECHER: Mr. President, this gets to the knowledge of this particular witness concerning this fact and we don't believe it is calculated to assist with respect to the knowledge of these defendants.

DR. HOFFMANN: If the Tribunal please, I seem to remember that the prosecution has submitted a whole volume concerning general knowledge of these atrocities. Now, if a witness, whose rank was as high as the present one, says that he had known nothing about it, then who, if your Honors please, should have known at all about these things? It seems to me highly valuable to find out why it is that he did not know.

THE PRESIDENT: If we depart from the subject of inquiring as to what direct knowledge the defendants had and what the general knowledge of the people of Germany was and go into the knowledge of persons and individuals, be they of high or low rank, there would be positively no limitation of the inquiry here. You could bring every person in Germany here to show what they knew or did not know. What I'm trying to suggest is that we must, of necessity, limit this inquiry to what the defendants knew or did not know, directly and personally, or what they're charged with knowing as matters of general knowledge. As a high ranking government official, this witness is competent to testify as to general knowledge, but we cannot justify a departure from those general rules because he was a high ranking governmental official. If we did that, there are many many hundreds of high ranking government officials and it would be permissible then to call any or all of them and unduly prolong this inquiry.

The objection is sustained for those reasons.

BY DR. HOFFMANN:

Q Witness, you were General Field Marshal?

A Yes.

Q Have you ever visited a concentration camp?

A Yes.

Q Which one?

A Dachau in 1935.

Q Did you ever visit a concentration camp after that?

A I did not.

Q Were you entitled to enter any concentration camp?

A No, I was not entitled to enter any one.

Q Why? Were you forbidden to do so?

A Yes, that was quite generally forbidden.

Q Did you have any other knowledge concerning conditions in concentration camps?

A Apart from things I saw in 1935 with my own eyes, I did not, and that was a special incident.

Q Did you have any reason to inform yourself on conditions in concentration camps?

A No. In 1935 I went to Dachau because foreign friends, particularly Englishmen, had made terrific attacks on concentration camps. I, therefore, requested that I would be allowed to form my own impression because no other information was possible. This permission was granted me for one visit and some of my associates went along with me to visit Dachau for a few hours.

Q What did you see there?

MR. SPRECHER: It seems to me that is quite remote. Objection.

THE PRESIDENT: The Chair does not recall any evidence that undertakes to link any defendant with Dachau and that would be a collateral inquiry. We tried to indicate, that as we see it, the scope of inquiry here is the general knowledge or special knowledge that can be brought to these defendants. If we are correct in assuming that the defendants had nothing to do with Dachau, and I think we are, then this objection ought to be sustained and will be sustained.

BY DR. HOFFMANN:

Q Did you have any reason later, on the basis of rumors of foreign broadcasts, to inform yourself on conditions in concentration camps or did you hear nothing about it?

A We were not allowed to listen to foreign broadcasts. I did not listen to a foreign station in war time.

Q Very well.

A Therefore, I did not know anything of any abnormal conditions
cruelties and so forth in concentration camps.

Q Did your acquaintances not tell you rumors?

A Not one acquaintance of mine was ever in a concentration camp
and I heard nothing about these things.

Q You, therefore, saw no reason or rather, until the end of the
war, you heard nothing of atrocities in concentration camps?

A No, with the exception of the fact that certain rumors cir-
culated towards the end of the war which could not be pinned down, how-
ever. Even if you attempted to check them up, you found nothing positive
or concret and, after all, all of us were prevented to find out anything.

Q How is it that you say that you were prevented from finding
things out?

A In the case of industrialists who worked for the Luftwaffe
there were certain individuals who had been in concentration camps for
a short time. Through my immediate intervention they were released and
I asked them what had been going on there and they refused to give me
any information. They had obligated themselves not to say anything nor
were they prepared to tell me whether things had been bad or not. They
refused to tell me anything at all.

DR. HOFFMANN: I have no further questions.

BY DR. STORKEBAUM (Defense for the defendant Schneider.):

Q Witness, what interests me is to hear something on the subject
of the so-called IMIS, the Italian military internees. Can you tell the
Court briefly about them?

A When, in 1943, Badoglio deserted Mussolini, there were, in the
Northern area which Mussolini still ruled, the mass of the Italian armies
stationed. From among those, a fairly large number refused to fight on,
neither for one side or the other side. Mussolini and Hitler, Mussolini

requested that Germany was to supply the Italian army and air force with material. Hitler promised to do so but insisted that Italian workers be sent to Germany. Mussolini now put these disarmed soldiers at Germany's disposal. They were not actual prisoners of war, but neither were they civilian prisoners which is the reason why the status of these people was not quite clear. A certain part of them were taken to Germany. The transport was handled in the same way as it would be for prisoners of war and was in the hands of the competent officials of the OKW. They were put into camps in Germany and then their status was decided to be that of civilian, internees and, as such, they were committed to work, so that Italian armament became possible which is the reason why we called them IMI (Italian Military Internees), a new term coined at that time. It had not been known to me before from international law.

Q Thank you very much, witness.

Something else: What would the consequences have been if a business man had refused to employ foreign workers and prisoners of war allocated to him for war production.

A He would have been put under arrest immediately and he would have faced the Peoples' Court for undermining the fighting spirit.

Q Thank you very much.

A That was a very well known and dreaded paragraph. It normally lead to the death sentence.

Q Another matter, witness.

You were a participant in what was known as the War games of Louna. These were the protection against air raid exercises held in Louna. Can you still remember these war games?

A Yes, I was present myself.

Q Who directed these war games to be held?

A The commander-in-chief of the Luftwaffe.

Q And please answer my next question with just one word. Were these war games based on an offensive or defensive military plan?

A Obviously on a defensive plan.

Q Thank you very much. Witness, during the war you were connected with what was known as the aircraft industry, is that true?

A Yes.

Q Was that industry during the war employing concentration inmates by allocation?

A Yes.

Q If those allocations had been refused by the plants, namely to employ concentration camp inmates, would that have been possible?

A That would have been quite impossible for the plants.

Q In that case I suppose the same consequences would have arisen which you described in a more general way before that was, if a plant had refused to employ foreign workers.

A Yes, quite.

Q Thank you very much.

BY DR. HEINTZELER:

Q Witness, you mentioned this morning that prisoners of war were under the OKW. Did this apply also for the period of time when prisoners of war were committed for labor?

A Yes, that was the reason why the commitment officer was appointed. That official was responsible also for the kind of work for which the P.O.W. was committed whether it was work permissible for a prisoner of war or not.

Q Did the labor commitment officer have precise directives issued by the OKW concerning the type of work to be allocated to a prisoner of war?

A Yes, he had.

Q Were the prisoners of war in their camps subordinated exclusively to the authority of the Armed Forces officer or did the works manager of an industrial plant have any influence on the camps?

A They were subordinate only to the Wehrmacht, that is to say to the camp and the camp commandant or else the labor commitment officer.

Q Did a works manager need permission, explicit permission by

the camp commandant in order to enter a prisoner-of-war camp?

A That goes without saying. Any other soldier, anybody at all, could not enter a camp without such a permission.

Q Was it part of the responsibility of the labor commitment officer to observe the following of the directives by the GKN concerning work permissible?

A Yes, that was his main responsibility.

Q Thank you very much. No further questions.

BY MR. MATH:

Q Witness, I would like to ask you when did you hear anything about Hitler intending to march into Austria with his troops?

A Exactly forty-four hours before the actual invasion.

Q You will remember those things, I suppose, witness. How would you describe the German people's thoughts when Austria was incorporated into the German Reich and what was the reaction shown by the public towards this act, in particular as regards the question whether this was a hostile act which might be regarded possibly as an aggressive act?

MR. SPYCHER: Mr. President, certainly the German people know and were told and pictures were shown of the German armies marching into Austria. The question as to whether or not the German people drew the legal conclusion therefrom that was "aggression" is expecting a great deal with respect to the legal and juristic qualifications of the people, it seems to me. Now, if the qualification is laid with respect to this witness to show whether or not the German people expected Hitler to use force to get into Austria, that is one of the relevant subjects here.

MR. MATH: If the Tribunal please, may I give my comments on this. I think that all nations of this world are aware of the fact whether their country intends or carries out a hostile act. For that you do not need juristic knowledge. What I am driving at is for the witness to testify how this whole case of Austria penetrated into the knowledge

of the German people and what interpretation they gave. That is the reason why I asked my question.

MR. SPEECHER: On that basis —

THE PRESIDENT: Just a moment. The question of what the German people thought of the arming of Germany is one thing. We have permitted a showing as to the state of public opinion with reference to that. The question of whether they thought a war was or was not aggressive, after the war came, stands on an entirely different basis. Whether or not it was or was not aggressive no longer was a question of opinion after the war came. The objection will be sustained to that question.

MR. NATH: May I ask you this, witness. Did the steps taken in Austria — were they regarded as a war?

A No.

Q Could you give us an explanation of this, particularly the reaction.

THE PRESIDENT: That is another question along this same line and what was said applies equally to that. The objection will be sustained to that. In other words whether it was or was not a war was not a question of opinion of anybody. It's a fact. It speaks for itself, and that inquiry is certainly outside the field. The objection is sustained.

BY MR. NATH:

Q Witness, did German public opinion conclude from the invasion of Austria that other conceivably aggressive intentions existed on the part of the leadership?

A No. Austria had always been part of Germany and the temporary separation was deplored on both sides.

THE PRESIDENT: All of the answer except "no" will be considered as stricken as not responsive to the question and as a voluntary statement of the witness. The question had been answered.

MR. NATH: No further questions.

THE PRESIDENT: Any further interrogation on behalf of the defendants? Any further cross examination by the prosecution?

BY MR. CHARMATZ: Charmatz for the Prosecution.

Q Witness, you stated this morning that Goering told you with regard to Krauch's position as Plenipotentiary General that he, Goering, didn't want to give Krauch any additional authority, but that he wanted to give him just a nice-sounding title. Is that correct? Did I understand you correctly?

A No, you are making a mistake there.

Q Will you please explain this once more.

A What I said was Goering requested me to talk to Krauch to the effect that he must not resign, which I did. Secondly, the question whether Krauch was to be given another title was submitted to me by my defense counsel. The significance of that was, I said, that as far as I knew at the time, nothing was changed in Krauch's position, but that this was quite a general feature of that period to give a somewhat bombastic title to all sorts of positions.

Q. Well, maybe I don't understand you correctly yet. Is it your opinion that through the appointment as Plenipotentiary General Krauch did not get any additional authority?

A. That is my opinion, yes. Hardly anything changed.

Q. Do you know, witness, whether at the time when Krauch was appointed Plenipotentiary General, Goering made some statement to the highest Reich authorities, the Reich Ministries, what authority he meant to give to these Plenipotentiaries General of the Four Year Plan?

A. I do not remember the details of this decree, but there were a large number of Plenipotentiaries General, some of whom really had a general authority. But that does not apply to all of them. And I think --

A. I think that is enough, witness. That was answering the question. Could you tell me how many Plenipotentiaries General were there before the outbreak of the war -- before 1939. Could you give me an answer? Do you know that?

A. Within the framework of the Four Year Plan, you mean? I can only give you an estimate. I think there were about twelve.

Q. Could you please name these Plenipotentiaries General who were appointed by Goering before 1939, if possible in the chronological order.

A. No, I am unable to do that. I can give you only a few names.

Q. Well, maybe you can just give us four names or could you tell us who the first Plenipotentiary General was?

A. One of them was General von Hanneken for iron. Then there was a Plenipotentiary General for coal. There were Plenipotentiaries General for transportation questions, industrial questions, economic questions, etc. Who they were in detail I could not tell you by heart because I did not learn them by heart.

Q. Now, you said that these Plenipotentiaries General had different powers. Could you tell us on what you base this statement?

A. Some of the Plenipotentiaries General held high positions of State and as such they had more power and more rights in the governmental machine. Krauch was never a member of the government, was never a civil servant and that was one reason why within the scope of the Third Reich an essential difference existed. Here we were concerned only with the exploitation of the technical and scientific abilities of an expert.

Q. I think that will suffice witness. Now, is it your theory then that the title or the appointment as a Plenipotentiary General did mean nothing whatsoever and that the man who was appointed to this position only retained the authority which he had had before already?

A. I regard a title of that sort a purely outward affair. Everybody is fond of titles in Europe.

Q. I think that will suffice. Now, maybe, witness, it will refresh your recollection if we show you a document which was sent out to all Reich Ministers. It is the document EC-278, Exhibit 446, which is contained in document book 21, on page 8 of the English text and in the German book it was originally in Book 24, page 203. Will you please have a look or read through this document?

A. Certainly. (The witness reads.) I have read it.

MR. CHARMATZ: Mr. President, may I just add that in the English translation the distribution list was omitted. However in the presentation of this document it was added that the distribution was to all Reich Ministers and the Prussian Minister of Finance. It is on the record. Now, witness, on the 16 July 1938, Goering issued this circular letter. Do you know at what time Krauch was appointed Plenipotentiary General of the Four Year Plan?

A. I do not know it but I think already before that time. I believe so -- I don't know.

Q. Well, it is in the record. He was appointed, as the record shows, on 22 August 1938. Witness, did you ever hear of the Karinhall Plan in connection with the defendant Krauch? Do you know when this Karinhall Plan was worked out by Goering and Krauch?

A. I have heard about it. I don't know when, nor do I know when it was worked out. May I say something about this? The orders given here by Goering could not be carried out. He interfered by this order with the competency of the other ministries and it was never carried out in this broad scope, namely to get the Plenipotentiaries to work as it says in the document. I could give you detailed proof of this but I think you know these things very well from the interrogations of Speer.

Q. Yes, that is just why, but I can't argue with you, witness, here. So, just one thing. Now is it your theory that this circular letter which Goering sent out in his capacity as Plenipotentiary General, and I am not going to argue his authority here, that all of this is just not to be taken seriously, is that your theory? That this is just -- Is it your theory that this whole circular letter which Goering sent out to all Reich Ministries in his official capacity as Plenipotentiary General of the Four Year Plan, is not to be taken seriously, and is just bragging?

THE PRESIDENT: Counsel, I believe the expression that might describe what is in your mind would be that it was "window dressing".

Q. Can you answer the question, witness?

A. I didn't mean it that way. You must have misunderstood me. All I said was that Goering, concerning the things which he could do in his official position went far beyond these things by interfering to a large extent with the authority of other ministries. The usage was different from the things it says on the document. That is to say, the power of the Plenipotentiaries General could not be executed in the sense as it says there.

Q. Now, of course, I wouldn't like to argue, but is it known to you, witness, that Goering, in his capacity as Commissioner, Beauftragter, of the Four Year Plan, could give orders to all Reich Ministries? I mean that is what the Hitler decree of 18 October 1936 said.

A. I know. In theory it was pure wine but you had to pour a lot of water on it in actual fact. Even a man like Goering was in no position to carry the day one hundred percent in the way he wanted to do. The other ministers who now felt treaden on their toes still could go and see Hitler which they would do. But not only the minister would do so. Even the Gauleiter and other high potentates would do so.

Q. Now, another subject, witness. This morning, you mentioned the appointment of Geilenberg as Commissioner for Emergency Measures, Sofortmassnahmen. Isn't it correct that Geilenberg took over from Krauch only the authority to rebuild, to reconstruct the synthetic gasoline plants which had been destroyed by the allied bombers?

A. Yes, he only took over that task, not the task of the technical chemical science. Geilenberg would not have been in a position to do so because he was not a chemist. But Krauch's main sphere perforce was to rebuild and extend plants of that sort and that was transferred to Geilenberg and it was in that capacity that Krauch was criticized so strongly by Goering on 22 August 1944.

Q. Now, did Geilenberg have any authority in Krauch's field, let's say with regard to planning and constructing buna factories?

A. The details of the powers conferred on Geilenberg are unknown to me. All I knew was from Speer, that he eliminated Krauch by this appointment of Geilenberg.

Q. Eliminated Krauch from what? Only from the building of synthetic gasoline plants?

A. From the extension of the chemical plants where destruction by bombs and making good of the damage took the foreground of the stage.

Q. Well do you still say the reconstruction of all chemical plants, or rather plants in all fields of chemical industry?

A. I said before that the details of these questions are not known to me. I cannot answer this.

Q. Now did I understand you correctly this morning that you stated that no British or American prisoners-of-war were employed in the manufacture of arms and munitions, under the terms of the Geneva Convention?

A. What I said this morning was that according to the Geneva Convention, American or British prisoners-of-war were not allowed to be employed on the production of munitions and so on.

Q. But my question was, were they employed?

A. I myself did not hear anything about it. I saw no Americans or British anywhere at work.

Q. I don't question you or ask you whether you saw them at work. I questioned you whether you know that they were or not?

A. No, nor do I know anything about it.

Q. Well, witness, I have before me the transcript of the afternoon session of the trial, - your trial, - of 18 March, 1947, and here in cross-examination, Mr. Donney pointed out to you a document of the Jaegerstab, the fighter staff, of which you were the head, showing that 300 Americans were put to work at an aircraft factory in Oberpfaffenhofen, and they could not be persuaded to work in spite of threats of shooting.

Now I think that this shows that they were put to work there, - I mean another question is whether they actually did comply with the threats?

A. What I understood you to ask me was whether I, until 1945, up to May, 1945, knew anything of Americans or British being employed, and my answer is that I did not.

I remember very well that this material was produced at my trial.

Would you please be kind enough and give me the date of that session?

Q. I would first like to say that I did not make the qualification whether you know about that up to May, 1945. The Ingerstab meeting was held on the 19th of June, but I once more want to say, I asked you the question whether you knew or you know now; I did not say anything about whether you know about it before 1945.

THE PRESIDENT: Counsel, the witness has answered your question, and places his own limitations on the source of his knowledge. There cannot be any misunderstanding between you or him, or between either of you and the Tribunal on that score.

A. May I tell the Tribunal that at this period of time I had been removed from all of my offices connected with armament; that the dates coincide; that I never know anything of it and merely had heard that under the Geneva Convention, British and Americans must not be employed on military production; nor did I ever issue an order or anything else to that effect.

THE PRESIDENT: We understand. You have answered it.

MR. CHARLITZ: No further questions, Your Honor.

THE PRESIDENT: Is there any further direct or cross-examination of this witness desired? Are you questioning the witness? (No response)

Then the Tribunal will excuse the witness from further attendance.

(Witness excused)

THE PRESIDENT: Have you another witness, Dr. Boettcher?

DR. BOETTCHER: If the Tribunal pleases, my third and last witness is Emil Ehrmann, who was a Ministerial Councillor in the Army Ordnance Office.

THE PRESIDENT: Just a moment. When the marshal returns we will have the witness brought in.

EMIL ERHMANN, a witness took the stand and testified as follows:

BY THE PRESIDENT:

Q. Mr. Witness please remain standing. Raise your right hand,

say "I" and state your name.

A. Emil Ehmann.

Q. Will you repeat this oath after me:

I swear by God, the Almighty, the Omniscient, that I will speak the pure truth, and will withhold and add nothing.

(Witness repeated the oath)

THE PRESIDENT: You may be seated. The witness is with the Defense.

DIRECT EXAMINATION

EMIL EHMAN

BY DR. BOETTCHER:

Q. Witness, please give us your full name and address?

A. Emil Ehmann of Stuttgart.

Q. Will you please tell us, witness, in what capacity you met Dr. Krauch for the first time, and when that was?

A. Since the beginning of 1935, I was with the Army Ordnance Office, as a full time official. I was employed there on the establishment of a new explosive plant. My main task was the production of preliminary products and intermediates for this product. The first contact of my office with Professor Krauch was established in 1936.

Q. How were the connections concerning the work between the Army Ordnance Office and the office for German raw materials and synthetics where Dr. Krauch was working?

A. The Office for German raw materials and synthetics was an agency under the 4-year plan which, among other things, was in charge of obtaining materials for a number of raw materials and synthetic materials needed by industry.

They had to issue certificates about them and give an expert opinion, and that was the reason why this office had to inform itself concerning the requirements of chemical preliminary and intermediate products which were important for the Wehrmacht in the field of explosives, powder and chemical warfare agents. Above all so that the whole program

could be carried out without overlapping.

Q. Did Professor Krauch in his official capacity, decide on the building and the planning for these raw materials and preliminary products needed for explosives and a powder?

A. No, Professor Krauch was in no position to do so, because to reach a decision concerning the building and the planning which actually should be named first, was entirely up to the agency competent therefor, that is to say, where purely military products were concerned, it was within the competency of the Wehrmacht, and where civilian products were concerned, it was up to the ministries therefore, such as the Ministry of Economic Affairs.

Q. Very well. This was the negative side. What did the positive side of Professor Krauch's activity consist of?

A. It consisted mainly in Professor Krauch, who after all was an expert in the chemical field, advising all official or private agencies concerning the evaluation of inventions, or concerning the establishment of new plants.

Q. Now as time went on, Krauch, as you well know, was promoted to Plenipotentiary General for special questions of chemical manufacture. Do you know the competency of Professor Krauch in that field?

A. Yes, I think I am entirely familiar with them.

Q. Can you tell us whether his competencies coincided with his designation as Plenipotentiary General?

A. No, I would not say that at all. They did not coincide in any sense at all.

Q. What would your description of his activity be?

A. What I would say is that Krauch was the expert who gave his expert opinion in order to make suggestions as to how military requirements could be met in the economic field.

Q. Now Krauch has been participating in what has been known as the Karinhall Plan and in the so-called Schnell Plan, Rapid Plan. Can

you tell us what Krauch did in those two plans, briefly?

A. Well, I should be somewhat long, about this.

Q. Well, in order to be brief and concise, let me ask you this.

How was it that Krauch was interpolated into the Rapid Plan, - the Schnell Plan?

A. As I told you before, in so far as the extension of the explosives, powder and chemical warfare agents plants are concerned, a variety of chemical products is required which are as it is the case in chemical production equally required for the extension of the civilian as well as of the military sector; that is the reason why, the obvious thing to do, was to establish a coordinating agency, which apart from civilian requirements and those of the 4-year plan would also look after the requirements of chemical products, by the armed forces, in an expert way.

This was attempted by us in establishing a liaison agency of which I was in charge, for instance, as the liaison man to the office Krauch, thus to maintain contact, lest there be even worse confusion between the various agencies.

Q. The Rapid Plan, as you say, was based on the requirements of the Wehrmacht agencies. To what were these requirements directed?

A. Well, now, these requirements were connected with the whole problem of rearmament, of course. To make this understandable, I would like to, if the Court permits me to do so, to make a few preliminary remarks.

DR. POITCHER: In connection with and limited to the field of explosives, powder and chemical agents.

A. As is well known, on the basis of the Peace Treaty of 1919, contrary to the mechanical (technical) industry, -- the chemical industry, namely of explosives, powder and chemical warfare agents, was entirely destroyed. One factory only was permitted which was to look after the requirements of the police troop of the 100,000 man army with explosives and powder.

MR. SPRECHER: Mr. President, I would like to request that Dr. Boettcher be instructed to ask more definite question. As I understood it, he just opened up a rather broad field and said, "Witness go ahead and give us the business", and I believe we are beginning to get the business.

As a further point, this witness before was questioned along certain lines, partly over objection of the Prosecution, when he was on the stand during the Prosecution's case in chief, and unless Dr. Boettcher asks more specific questions I think we are going to have some considerable difficulty in distinguishing between the topics which should now be barred, and those which are still open to the Defense.

THE PRESIDENT: Counsel can be helpful in asking specific questions that are not calculated to open the door to the witness talking at too great a length. Perhaps we will take a recess at this time. It will give Dr. Boettcher a little rest, and will give him time to get his work a little better organized.

We will rise at this time.

(Tribunal in recess until 1515 hours)

THE MARSHAL: Persons in the Courtroom will please find their seats.

The Tribunal is again in session.

WITNESS EMIL EHMANN - Resumed
DIRECT-EXAMINATION - Continued

BY DR. BOEITCHER:

Q. Witness, from the point of view of the necessary limitations I shall ask the following questions: Where did the name "Rapid Plan" (Schnell Plan) come from?

A. At the time when Professor Krauch became Plenipotentiary General for Special Questions of Chemical Production, the mechanical sector of armament was far in advance of the chemical sector. It was, of course, clear that an adjustment was necessary. The best example of this was munitions. "I cannot shoot with steel alone," he said. For this reason an attempt to bring about this adjustment by way of preferences was made -- greater supply to chemical industry and so forth. And in order to indicate to all the agencies concerned with obtaining machinery supplies etc., what was intended, the name "Schnell plan" - "Rapid Plan" was invented.

Q. Did Krauch invent this plan?

A. We were together at all these discussions, and I assume that it was our suggestion, but I cannot say exactly.

Q. Who set up the aims of this "Schnell Plan"?

A. The basis for the entire military armament was the demands of the newly created German staffs of the Army -- the Air Force, and the Navy. These demands were summed up in the War Ministry, and after this was approved by the High Command of the Wehrmacht it was in the hands of the OKW.

Q. Who was in charge of carrying out this "Schnell Plan"?

A. The three branches of the Army Ordnance Office. For powder, explosives, and chemical-welfare agencies, all three branches of the

Army Ordnance Office.

Q. Did Krauch have anything to do with that?

A. No.

THE PRESIDENT: Please, Mr. Witness, you're consuming too much time in your answers. You're going too much into details. You've been a witness before, and I think we remonstrated with you before. Please recall what we said before. Make your answers short and brief. Don't worry about whether they're full enough, as additional questions will be asked if you abbreviate your answers more than counsel wishes. Please bear that in mind, and we'll be able to move along a little bit faster.

Go ahead, Dr. Boettcher.

BY DR. BOETTCHER:

Q. In proof of your evidence I should like to remind you of a document offered by the Prosecution in Volume 34, Page 72 in the English, Exhibit No. 610. It has to do with a meeting at the Office for German Raw Materials and Synthetics, on the 12th of November 1936, at which you were present. Also, a document in Volume 20, Page 5, and following in the English, Exhibit No. 419, having to do with a meeting of the 10th of June 1938, drawn up by the Reich Office for Economic Expansion. You know these two documents? Will you please answer my questions very briefly?

A. In the first example which you have mentioned, the meeting of 1936 at the Office for German Raw Materials and Synthetics, it is significant that the production of the Lost-mustard gas of 300 tons per month is to be increased to 5,000 tons per month. That is sixteen times as much. And the production of the Omega salt is to be increased from 140 to 1150 tons per month, that is eight times as much, to cover the needs of the Wehrmacht.

MR. SPRECHER: Just one question, Mr. President. Mr. Amchan who studied over the testimony of this witness before the trial -- told me and I am of the opinion that the witness has been questioned about at

least one of these exhibits previously. That offers a question which could lead to serious proportions. I don't intend to be too technical about it; I only mean to raise it because it does indicate a question and I think in many cases we will be required to rely on the good judgment of defense counsel and on the good faith in the matter.

THE PRESIDENT: That is, of course, correct. We assume that counsel doesn't intend to go over territory which we have already covered, and we assume that it is true in this case. That is correct, is it not, Dr. Boettcher?

DR. BOETTCHER: Yes, Mr. President.

BY DR. BOETTCHER:

Q. Mr. Ehmman, please draw your conclusions only for the question which I ask you, without citing details from the document. I put these documents to you in connection with the question of whether this is proof that it was not Krauch, but the Wehrmacht staffs, which made demands in connection with the "Schnell Plan."

A. This conclusion is quite clear from these two documents which you have mentioned.

Q. Very well.

Now, I shall ask you some details. Did the involvement of Krauch, on the basis of his expert knowledge, in this "Schnell Plan" (Rapid Plan) have any significance in the sense that construction orders to industry were given by him for the construction of powder and explosives plants?

A. No, they were not given by him.

Q. Who supplied the necessary funds for these constructions -- Krauch or the branches of the Wehrmacht?

A. The High Command of the Army.

Q. Witness, you have to wait a little after my question.

A. The High Command of the Army.

Q. Where did the quotas of iron, building materials, etc., come from, which were needed for these construction works?

A. They were taken from the Wehrmacht quota.

Q. In whose possession were the structures built for powder and explosives on the basis of the "Schnell Plan"?

A. They were the property of the High Command of the Army.

Q. Who was in technical charge of these plants which were built under the "Schnell Plan"?

A. The Army Ordnance Office.

Q. If the plants built under this plan were set up as joint stock companies or limited liability companies, who supervised the management of the companies? Whose representatives formed the Aufsichtsrat?

A. They were supplied by the High Command of the Army or the Army Ordnance Office.

Q. Not the Gebochem? (Plenipotentiary General for Chemical Production).

A. No.

Q. I shall leave this subject. I shall now ask you a few questions about facts, pertaining to the state of rearmament in the field of powder production in the middle of 1938. In the middle of 1938, what was the numerical capacity in the field of powder production? Do you have any figures on this subject?

A. German powder production capacity, in the middle of 1938, was 5,000 tons per month.

Q. What was the requirement of the General Staff, on the basis of the "Schnell Plan"?

A. Excuse me, but this question is not quite right. The requirements of the General Staff were much higher than the aim of the "Schnell Plan." The aim of this plan was 18,000 tons of powder, while the requirements of the German General Staff, at that time, were about 22,000 tons per month.

Q. In the field of powder and explosives, which is familiar to you, can you give us any facts which justify the conclusion that in this field Germany was not prepared for a war of aggression?

A. I can prove that by giving two figures. At the outbreak of the war the powder capacity which had been achieved was 6,500 tons per month, while the "Schnell Plan," as I have already said, aimed at 18,100 tons. That is not even 36% had been achieved. As a second proof I can cite the capacity in the field of mustard gas. There we had achieved a production at the rate of 450 tons per month at the beginning of the war, whereas the demand was 18,000 tons. That is less than 6% of the aim had been achieved.

Q. My final question: Were these facts known to Dr. Krauch?

A. Every responsible chemist, technician, and economist knew of the enormous economic demands made by a total war, in my opinion. And I know from my own experience that Dr. Krauch and the gentlemen whom I knew from official conduct, who were in the Vorstand of Farben, knew this. But not only by virtue of their positions did they have this sense of responsibility, not only by virtue of their position but by also virtue of their world-wide experience; therefore, in my opinion, everyone of them must have been astonished when on 1 September 1938 the Second World War broke out, which was started by political gamblers — if I may say so.

Q. Thank you, I have no further questions.

BY DR. SCHUBERT:

Dr. Schubert for Dr. Buerger.

Q. Witness, the Prosecution has offered a number of documents about the production of Diglycol. Did you have anything to do with Diglycol in the Army Ordnance Office?

A. Yes, the responsibility was with the Army Ordnance Office.

Q. For what reason did the Army Ordnance Office consider the production of Diglycol important?

A. Diglycol was a high-grade and in some cases even superior substitute for glycerine, which latter product was not available in the necessary quantities.

Q. What did the Army Ordnance Office do in order to promote the production of Diglycol?

A. At the end of 1933 and the beginning of 1934 it was decided that at Wolfen a Diglycol plant was to be set up.

Q. Do you know when this plant went into operation?

A. Yes, in 1937.

Q. And later did the Army Ordnance Office ask that the plant be expanded?

A. Yes, that was at the end of 1938 — an expansion to 500 tons per month.

Q. Now, for what reason, Witness, did the Army Ordnance Office approach I. G. Farben for the production of Diglycol?

A. The I. G. Farben Industry was the sole producer.

Q. And why did the Army Ordnance Office want a Diglycol plant to be set up at Wolfen near Bitterfeld?

A. There were military reasons and technical reasons. The Military reason was that Wolfen was in the center of Germany. In the opinion of the men in positions of responsibility at that time, it was safe from air raids. And, as for technical reasons, it would be attached to an existing plant, which could supply power, steam, water, electricity, calcium deliveries from the Harz Mountains, and

chlorine from Bitterfeld, etc.

Q. If I have understood you correctly, witness, this plant was built by order of the Army Ordnance Office?

A. Yes.

Q. Now, what would have happened, witness, if I. G. Farben had refused to obey such an order?

A. This is a rhetorical question which I cannot answer. I cannot see why I. G. Farben should not have obeyed a justified order of the Government. I should like to know what factory in the world would refuse to obey a government order. I can answer only theoretically as to what would have happened. Pressure would have been exerted. There are all kinds of compulsory measures that can be taken. The men responsible can be removed from their positions, etc.

Q. In any case the Army Ordnance Office would have had its will carried out?

A. I should assume so.

Q. Now, did Farben carry out this Diglycol production in its own plants, or was this a Reich owned plant built for that purpose?

A. A Reich plant was built with Reich funds.

Q. And this plant was only operated by Farben?

A. Yes, it was operated by Farben.

Q. Was Diglycol stock-piled by Farben?

A. Not by Farben, but by the Army Ordnance Office.

Q. Witness, another produce plays a certain role in the Prosecution's case. That is stabilizers. Can you tell us very briefly for what purpose stabilizers were needed?

A. The name shows that it is to make powder stable; when it is stored for a long time or under high temperatures it is protected against disintegration.

Q. Was the stabilizer plant which was built at Wolfen also built by order of the Army Ordnance Office?

A. Yes.

Q. Can you tell us, witness, when the Army Ordnance Office issued the order for the building of this plant?

A. In the spring of 1936.

Q. And when was the plant finished and put into operation?

A. After the beginning of the war.

Q. After the beginning of the war.

A. Yes.

Q. Is the same thing true of this plant — the same ownership conditions — as for the Diglycol plant?

A. Yes, it was a Reich-owned plant.

Q. It was operated by Farben?

A. Yes.

Q. The product, stabilizers, witness, occurs in another plant of the Work Combine of Central Germany; a plant for aniline and preliminary products for stabilizers was to be built. Do you know anything about that?

A. Yes, this was also a Reich-owned plant at Doeberitz. A plant was built at Doeberitz for the production of aniline and diphenylamine, which is a preliminary product for stabilizers.

Q. Did this plant go into operation?

A. No.

Q. Another product, phosgene. Was phosgene produced at Wolfen near Bitterfeld?

A. Yes.

Q. And was there an order from the Army Ordnance Office to this effect?

A. Yes.

Q. Why did the Army Ordnance Office need phosgene, witness?

A. You just mentioned the powder stabilizer plant owned by the Reich at Wolfen. For the production of powder stabilizers phosgene is needed. This plant was built as part of this stabilizer plant.

Q. Witness, do you know whether phosgene was produced for other purposes at Wolfen?

A. Yes, for the filling of bombs for the Luftwaffe.

Q. Was a plant built for that purpose?

A. Only a very small filling shop was needed which was set up on the terrain of the Reich plant. It was after the beginning of the war.

Q. I see. After the beginning of the war.

A. As far as you know, witness, were these phosgene bombs which were filled there ever used?

A. No, they were not used. The military use of phosgene would have meant chemical warfare.

Q. Do you know whether the Army Ordnance Office also had planned a phosgene filling station for grenades?

A. It was planned, yes.

Q. But it was never realized?

A. The assignment was given after the outbreak of war but was never carried out.

Q. In connection with the Farben plant at Wolfen another product has been mentioned. Dinitro-Anisol. Do you know that this product was made at Wolfen?

A. Yes, for purposes of private industry it had been produced even earlier and the Army Ordnance Office had planned an explosive called Trinitro-anisol for military use, and the preliminary product for that would have been the non-dangerous dinitro-anisol which was

already being produced by Wolfen for peace time purposes and, in an explosive factory, it would have been made into an explosive, but these plans never materialized. As far as I know, deliveries took place in small quantities, but the problem lost its interest for us.

Q. Witness, weapon decontamination substances were also produced at Wolfen. Was that also an order of the Army Ordnance Office?

A. Yes, there was a small production of about 17 tons of weapon decontamination substances at Wolfen. It was later expanded to 34 tons.

Q. And it was also an order from the Army Ordnance Office?

A. Yes, an order of the Army Ordnance Office.

Q. Can you say the same for the production of Losantin, also a decontamination agent, at Bitterfeld?

A. Yes. Losantin is a much better decontamination agent than calcium chloride and was produced at Bitterfeld by order of the Army Ordnance Office.

Q. Witness, as far as such products were produced in Farben owned plants, was it the rule that the Army Ordnance Office approved increased amortizations, and can you give us the reasons for that?

A. No, that was not the rule, but in special isolated cases increased amortisation rates were approved when the firm - whether it was Farben or any other chemical firm - was given the order to produce products for the Wehrmacht in the firm's own plants for which the firm had to make new investments and for which they had no interest as far as private industry was concerned. Since, on the other hand, the Wehrmacht did not undertake the obligation of being consumer for these products for years in the future increased amortisation rates were approved in isolated cases.

Q. Did I understand you correctly if I say that such increased amortization rates were approved when they had an economically justifiable reason?

A. Yes, if we could not expect the firm to take the financial risk.

Q. A final product, witness: Picric acid. Did the plant at Bitterfeld-Wolfen supply picric acid to the Wehrmacht?

A. As far as I know, there was a small plant for the production of picric acid for purposes of private industry at Wolfen. But these quantities were of no interest to the Wehrmacht so that the plant at Wolfen certainly did not supply picric acid in any large quantities for the Wehrmacht. Picric acid is a highly explosive substance and, for this reason, the Wehrmacht had no interest in having a big plant in a normal, privately owned, chemical factory. All the picric acid plants were owned by the Wehrmacht.

Q. If I understand you correctly, as far as Bitterfeld-Wolfen is concerned, there was only a small occasional delivery of picric acid?

A. I would assume so for I recall that in 1935 the only picric acid factory which we had in Germany was blown up at Rheinsdorf and the firm was supposed to deliver the product as raw picric acid not as an explosive.

Q. Witness, do you know the defendant Dr. Buergin?

A. Yes, I know him slightly.

Q. Can you remember whether you met him before or after 1938?

A. That was after 1938, I'm sure, because his predecessor, with whom I had more to do by the way of business, retired about 1938.

DR. SCHUBERT: Thank you. I have no further questions.

BY DR. RUDOLF DIX:

Q. A different field, witness.

What was your official position at the time of the Anschluss of Austria - that is, March, 1938?

A. I was Regierungsrat in the High Command of the Army, Army Ordnance Office.

Q. Did you often talk to military colleagues, especially officers? Please don't be astonished at this question.

A. Well, after all, I was in a military office.

Q. Did you discuss the reception given to the German troops when they entered Austria and were you given descriptions of how they were received?

THE PRESIDENT: Just a moment please.

MR. SPRECHER: Objection. It again goes into the question of justification of the invasion of Austria.

THE PRESIDENT: Well, unless it has some other purpose, the objection is well taken. We have already indicated our views on the subject.

What is your purpose, Dr. Dix?

DR. DIX: First of all, I may state that it is a pure question of fact which has nothing to do with the expert knowledge or the judgment of this witness. The relevance of my question, as I see it, is that in order to judge the contention of the German population, it is of some importance to know what impression the German people, of necessity, had of the willingness of the Austrian people to join the German Reich, and, for this question, the reception given by the Austrian population to the German troops upon their entry into Austria is relevant.

I beg your pardon, Mr. President. May I finish. If the defense asks questions to this effect, Mr. Sprecher always raises the objection and refers to the IMT judgment. This was not done

just now. He referred to his earlier statements, but if Mr. Sprecher, in his present objection, should again refer to the contents of the IMT judgment, then I would have to ask him to tell me where the IMT judgment gives any prejudicial decision or statement of fact which would preclude questioning with the purpose which I have just explained.

THE PRESIDENT: We have said before that we would permit and we have permitted evidence as to the knowledge of the defendants in matters of general knowledge of which they might be presumed to know. I am at a loss to see how any fact emanating from some army officer, communicated to this witness, would prove knowledge on the part of any defendant or lack of knowledge on the part of any defendant or prove general knowledge.

The objection is sustained.

DR. DIX: Then may I ask another question and I emphasize that it has the same purpose.

THE PRESIDENT: You will probably get the same ruling, if it has the same purpose. You may ask it. Go ahead and ask your question, Doctor.

BY DR. DIX:

Q. During the same period did you ever see a newsreel at any movie theater, and especially, did you ever see a picture of German troops entering Austria?

A. Yes.

DR. DIX: Stop....

THE PRESIDENT: The answer is out.

MR. SPEECHER: May the witness be instructed? He has been here long enough to know better....

THE PRESIDENT: We'll strike that. Make your objection.

MR. SPEECHER: Objection for exactly the same reason. It's going into the question of what happened after the invasion and it's

supposed to be conjecture in some way to prove whether or not it was actually an aggressive act and that has been decided on.

THE PRESIDENT: Just a moment. We can save a little time. We are concerned as to whether or not these defendants knew that an act of aggression on the part of the German government was imminent or whether they knew of circumstances that would have imparted that knowledge to them. But, after an invasion occurs, to show how the invasion was received by the Austrian people would not show what their knowledge was before or a state of public opinion from which may be deduced what their knowledge was.

The objection is the same and it will be sustained.

DR. DIX: May I make a brief remark?

THE PRESIDENT: We would like to indulge you to make remarks and be glad to hear you any time. Now the ruling is final and you are consuming your own time if you talk any further. That ruling will stand. Please ask another question, if you have some more.

DR. DIX: Only one sentence.

THE PRESIDENT: Very well.

Dr. DIX: Only one sentence which will show the intentions which the German government had in connection with the entry into Austria and before the entry into Austria. The President says nothing can be gained from the events which occurred afterwards, but here, where the Prosecution objects, we are talking about the alleged "common knowledge" of the aggressive intention of the German government in the war in 1939 and that is a time after this period about which I am questioning the witness. And the German people could very well gain the impression from the total picture of the entry into Austria and from the reaction of the Austrian people an impression of whether the German government was waging an aggressive policy against the will of the Austrian people. I am asking to take this into consideration when making your ruling, Your Honor.

THE PRESIDENT: Dr. Dix, I may say to you that we have considered; the chair has support on both the right and the left for the ruling. The ruling will stand. Ask another question, please.

DR. DIX: No further questions.

THE PRESIDENT: Very well.

BY DR. HOFFMANN: (Dr. Hoffmann for the defendant Ambros)

Q Witness, I shall come back to the field about

which you were examined by Dr. Boettcher, the field of powder and explosives. I shall ask you first of all ... We have repeatedly heard mention here of three different chemical products. First of all, diglycol; second pentaerithrite; and thirdly, toluol. Can you tell me for what peacetime purposes these three products are suited? First of all, diglycol ...

A Diglycol was not used to any large extent by private industry. I say, not to any large extent. It was used and can be used, for example, for textiles.

Q Pentaerithrite?

A Pentaerithrite was not used to any large extent either for civilian industry. That was the reason why we built Reich plants for that purpose, but it was also used for civilian purposes.

Q How about toluol?

A Toluol, of course, is of much greater interest for civilian production.

Q For what civilian purposes was it used?

A For sulphonations of toluol. You can even make saccharine out of it if you want to.

Q Witness, these three products as such are not suitable for war use?

A No, of course not.

Q Witness, I have a bottle of diglycol here. (Exhibits bottle). Can I use it in any form without danger of injury or any other effects?

A I would not advise you to drink it, but you can try it. Not much will happen.

Q The same is true of the other substances, pentaerithrite and toluol? They are also not dangerous in themselves?

A Yes.

Q Witness, were these substances -- diglycol, pentacritrithite, and teluol -- used for war purposes? Were they used for powder and explosives?

A As preliminary products, yes.

Q Who produced these powders and explosives?

A The powder and explosives factories.

Q Did they belong to Farben?

A They belonged to various explosives concerns.

Q But did these explosives concerns belong to Farben?

A I am sure they owned part of the stock, not in all of them but I assume in some of them.

Q Another question. In these explosives plants and in this powder and explosives production, did Dr. Ambros have anything to do with it?

A No.

BY DR. BORHEIMANN (Counsel for defendant Dr. Ter Meer):

Q Witness, if I understood you correctly, you were first an associate and later head of the chemical department in the Army Ordnance Office, is that right?

A Yes.

Q From this position you had an insight into the negotiations into the Army Ordnance Office of Farben, a thorough insight?

A I was not in charge of the legal negotiations, but of course I checked the agreements from the technical side.

Q Did you get the impression that Farben in all points conformed willingly to the wishes of the Army Ordnance Office, or were there difficulties?

A Farben had good lawyers. Sometimes there were great struggles.

Q Were those struggles in the legal or technical field.

A They concerned the whole fundamental attitude of Farben?

Q Yes. Can you give us an example, or can't you think of any at the moment?

A In the case of quite a number of contracts -- or rather negotiations -- it was seen that in various fields, for example in the field of chemical warfare agents, that Farben was not very helpful in the beginning.

Q Were there considerations of private economy or what were the reasons for that in your opinion?

A In my opinion they were primarily reasons to the effect that Farben, on the basis of its world-wide connections, agreements, and on the basis of its big exports, did not want to participate actively in this field in any way, all the more as these fields were quite uninteresting from the point of view of private business.

Q Was the attitude of Farben criticized in the Wehrmacht, and particularly in the Army Ordnance Office, or was Farben popular there?

A I recall very severe disputes in this specific field, and I had to reproach Farben officially on behalf of my office for not being willing to cooperate.

Q Do you remember what year that was, or was that all the time?

A That was primarily before the war.

Q Thank you. No further questions.

THE PRESIDENT: Is that all, gentlemen of the Defense?

Does the Prosecution have anything further?

MR. SPRECHER: May we have just a second?

THE PRESIDENT: Yes.

MR. AMCHAM: I think the Tribunal would be interested to know that the Prosecution hopes to finish its cross-examination before adjournment -- and expects to.

THE PRESIDENT: The Tribunal shares the same hope.

CROSS EXAMINATION

DR. ERMANN, Resumed

BY MR. AMCHAM:

Q Dr. Ehmenn, did you ever see the order of Goering's appointing Krauch Plenipotentiary General for special questions in chemistry?

A That was in 1938, whether I read it in the course of official business, I cannot tell you today.

Q Would you please answer yes or no. Did you ever see that order?

A I may have seen it.

Q You were a member of the board of Amorgana, is that true?

A Yes.

Q Were the defendants Ambros, Ter Meer and von Knieriem also members with you on the board?

A Yes -- no, I beg your pardon. In the Aufsichtsrat there was Mr. von Knieriem and Dr. Ter Meer. Dr. Ambros was business manager of the Amorgana.

Q Now, is it true that you became acquainted with Dr. Ambros since 1937, in connection with your official duties?

A I assume that I knew Ambros before that.

Q Now, from the point of view of the Army Ordnance Office, planned rearmament started in 1934, is that correct?

A I know that from the records. It was the beginning of 1935 when I entered the Ordnance Office.

Q Now, it is a fact, is it not, that from that time on, the Army Ordnance Office sought to create anew the conditions necessary for large-scale industrial production of chemical warfare agents because the plants which had performed that function in World War One were no longer in existence? That is a fact, is it not?

THE PRESIDENT: Just a moment.

DR. HOFFMANN: Mr. President, I intend to call this witness again and examine him on chemical warfare in the Ambros case. Dr. Boettcher, as Krauch's Defense counsel, said explicitly that he was calling this witness only for the question of powder and explosives. If the Prosecutor goes into the field of chemical warfare agents, he is discussing a subject which is up to the Defense to bring out. For this reason I object.

MR. SPEECHER: May we have a moment, Mr. President?

PRESIDENT: In the meantime, it does impress me that you are outside the field of cross-examination here.

MR. SPRECHER: Mr. President, possibly the prosecution was misled because we were not aware that Dr. Hoffmann did want to have this witness recalled again. Now, could we have an understanding that those things be made known to us on the record, because some of the rather general questions which were asked by some of the counsel, it seems to us, did open up the field, but if the witness is going to be called back with the Tribunal's approval, and that is stated on the record, we will desist quite willingly because it's in the interest of a more orderly trial.

PRESIDENT: The Tribunal understands, of course, that there was some transgression, across the line, that might well have justified this cross-examination as it is now tending. But as we do understand, Dr. Hoffmann has indicated that he intends to bring the witness back as his witness on this particular phase of the case and in line with a more orderly procedure it would be proper, perhaps, to postpone what you have in mind until after the witness has been examined, if that is agreeable to you.

MR. SPRECHER: Mr. President, Dr. Hoffmann told me he had made that statement openly in court and that knowledge was not in the presence of the prosecution.

PRESIDENT: Very well, we understand it. We gather that is what Dr. Boettcher said, that he was keeping out of certain fields here and if that is the desire of Dr. Hoffmann to recall the witness later on this particular phase, then it would seem to us to be more appropriate that you cross-examine the witness then and have all of that evidence together. Now, if you desire to further cross-examine the witness with reference to the matters that he has been interrogated about you are privileged to do that.

BY MR. MACHAN:

Q. We will limit it to that, if your Honor please. Do you recall the last question, Mr. Witness.

A. Yes.

Q. Are you prepared to answer it? We will withdraw the question.

The question is withdrawn. In 1936 when you were in Army Ordnance, is it not a fact that Production Plant Number 23 was in operation for the Army?

A. You mean FP 23?

Q. That is correct.

A. Production Plan Wehrmacht 23. 23 means --

Q. Could you please answer that yes or no. Was that in effect in 1936?

A. Probably yes.

Q. And is it not a fact that according to that plan the General Staff of the Army calculated the monthly requirements of reserves of new war material and armament equipment for twenty-three divisions on a war footing. Is that not a fact?

A. Yes.

Q. And is it not a fact that on the basis of the monthly ammunition requirements for infantry, artillery, Luftwaffe and Navy, the requirements of gunpowder, explosives and chemical warfare agents were calculated, is that true?

A. I can't answer that question with one word. I have to --

Q. Is it true or is it not true?

A. Yes and no.

Q. Will you please make up your mind one way or another.

PRESIDENT: No, no. It may be a question that the witness can not answer yes or no. It would hardly be fair to force him into that situation. If you wish the question answered then the Tribunal will direct the witness to answer as directly as possible, but can not impose on him a yes or not obligation.

MR. AMCHAN: I will leave it to the Tribunal's discretion.

PRESIDENT: Then we will say, ask another question.

BY MR. AMCHAN:

Q. Is it not a fact that the insuring of the materials necessary for the fulfillment of these requirements was entrusted to the Army Ordnance Office?

A. I did not understand your question.

Q. Is it true that the Army Ordnance Office was charged with the duty of securing the materials necessary to fulfill these production plans set by the Army High Command?

A. For certain products it was the Army Ordnance Office. For other products it was the OKW.

Q. Is it not a fact that for the execution of the production program as a whole the Office of the Plenipotentiary General for Chemistry made their influence decisively felt?

A. No, that is not true.

Q. Do you recall executing an affidavit to that effect?

A. I cannot imagine that.

Q. May I show you Prosecution Exhibit 659, NI 10595, and ask you to turn to Page 2, beginning with the paragraph — have you got that document?

A. I imagine I have it here. Yes.

Q. Do you see the paragraph beginning "On the basis of the monthly ammunition requirements for the infantry and artillery."

A. "On the basis of the monthly production of ammunition."

Q. Do you see that paragraph?

A. Yes.

Q. Toward the end of the paragraph do you see those words — "may I again mention the fact that the assistance of the Four Year Plan authorities, particularly the Plenipotentiary General for Chemistry and the Reich Ministry for Armaments and War Production was enlisted via OKW, the Reich Ministry of Economics and the appropriate Reich Offices for Chemistry, for the Supply of Industrial Fats etcetera and for the Execution of the Production Plan as a whole, to an extent which made their influence decisively felt." Do you see that? Did I correctly read your affidavit?

A. May I read the German formulation?

Q. Go right ahead.

A. The passage in question reads as follows: "On the basis of the amounts of ammunition to be produced monthly in case of war for infantry and artillery of the Wehrmacht, for bombs and other weapons of the Luftwaffe, and for torpedoes, mines and so forth for the Navy, the need for powder explosives and chemical warfare agents has been calculated. The securing of the materials for this is assigned to the Army Ordnance Office in the OKH for the Wehrmacht. To secure the necessary chemical raw materials and intermediates through the OKW, the Reich Ministry of Economics and the Reich Offices for Chemistry, Industrial Supplies of Fats, and so forth and to carry out the entire production plan, the offices of the Four Year Plan, especially the G.B. Chem. and the Reich Ministry for Armament and War Production have decisive influence." This should be mentioned here for the sake of completeness and is assumed to be known.

Q. That is all. That is an answer. Thank you. No more questions.

PRESIDENT: Any further examination?

BY DR. BOETTCHER:

Q. One brief question, Mr. President, Dr. Ehmann, please tell us your opinion which deviates from that of the prosecutor regarding this last sentence.

A. It says here word for word the responsibility for execution is in the High Command of the Wehrmacht, the Army Ordnance Office, and the OKH and there is doubtless collaboration in the execution of this plan by all the offices listed here including the G.B. Chem. But this has nothing to do with the fact that the execution of this plan was carried out by the Wehrmacht. The G.B. Chem helped. That is why he was appointed by Goering. I never denied that.

Q. You do not share the opinion of the prosecutor?

A. That is right.

Q. Thank you.

PRESIDENT: Now, does this conclude the examination of this witness until he is recalled on some different phase? Then, Mr. Witness, you are now excused from further attendance until you are recalled as a witness.

Dr. Boettcher, we have about two or three minutes during which you might care to tell us your program for tomorrow.

DR. BOETTCHER: Mr. President, in the case for Dr. Krauch I have only documents to offer and I wonder whether I should offer these tomorrow or after the examination of Dr. Krauch by the other defense counsel and by the prosecution or whether I should offer the documents first.

PRESIDENT: Unless there is some special reason for it, the Tribunal, I am sure would rather that you proceed with the examination of Dr. Krauch. While his testimony in chief is in our minds we can follow the cross-examination and I think it would be very helpful to us. Unless there is some good reason for departing from that schedule, we would suggest that we proceed in the morning with the further examination of Dr. Krauch and that you postpone your introduction of documents until the conclusion of his testimony. Is that agreeable with you?

DR. BOETTCHER: I have no reason to prefer the offering of the documents first.

PRESIDENT: Do you have any objection to that procedure, Mr. Prosecutor?

MR. SPRECHER: I am a little confused, Mr. President. As I understood Dr. Boettcher now, according to the translation, he said he had no objection to putting in the documents first.

PRESIDENT: He had just the opposite, Dr. Boettcher, in mind. That we would prefer to conclude the examination of Dr. Krauch. Is that agreeable?

DR. BOETTCHER: Yes. That is what I said.

PRESIDENT: Now, what says the prosecutor?

MR. SPRECHER: That is the normal practice.

PRESIDENT: Then may I suggest further that the Tribunal has given some thought to this and we think there is a decided advantage in keeping the testimony of a witness running along without too much interruption where it is possible to do that. I realize and we do, that tomorrow is Friday. But rather than have this testimony of Dr. Krauch interrupted in

the event that we are not able to conclude the further examination of him by counsel for the defense and the cross examination, won't you all prefer to come back Saturday morning and finish that up so that Dr. Bootcher can have a fresh start on Monday with his documents. Just think that over until tomorrow morning. The Tribunal is now in recess until 9:30 tomorrow morning.

Official Transcript of the American Military Tribunal
VI in the matter of the United States of America against
Carl Krauch, et al, defendants, sitting at Nurnberg,
Germany, on 16 January 1948, 0930, Justice Curtis Shako,
presiding.

THE MARSHAL: Persons in the courtroom will please find their
seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States
of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE MARSHAL: May it please your Honors, all the defendants are
present in the court room.

THE PRESIDENT: The defendant Krauch may take the stand for fur-
ther interrogation. The witness is now with the defense for further
examination.

DR. BERNET: Mr. President, first of all I should like to bring
up a general question. Mr. President, the commissioner has scheduled the
examination of the witness Zeun for this afternoon at two o'clock. Two
of the defendants, the defendants Mann and Wurster would have to appear
there and also their defense counsel. Also the examination of Dr. Krauch
is taking place here and we think it important that these two defendants
and their counsel also be present. We ask the President of the Tribunal
to have the examination of this witness before the commissioner postponed
until tomorrow.

THE PRESIDENT: The Tribunal knows nothing as to the situation
pertaining to this witness. Is there any reason that any of counsel know
why that examination before the commissioner could not be postponed until
tomorrow? Is the witness under any obligation to leave today or will he
be unavailable tomorrow?

MR. SPRECHER: Mr. President, I don't know the detailed circum-
stances of the case but it does seem to me unreasonable to have that

commission hearing, in view of the circumstances Dr. Berndt has made and if I may have just a few minutes and perhaps after the recess I could call in the proper people who could make a better arrangement. I take it that 0930 tomorrow morning would be satisfactory.

THE PRESIDENT: Very well, we will pass the matter and I may say to counsel for the defense that we appreciate the nature of this request. Certainly with one of the defendants on the stand it is not unreasonable to ask that that hearing before the commissioner be postponed. The Tribunal will take it up with the commissioner after the 11 O'clock recess and undertake to adjust it so that there will be no conflict of interests here. Now the witness on the stand is available to counsel for the defense for further examination.

BY DR. DIX:

Q Professor Krauch, most of the questions which can affect the case of my client, Mr. Schmitz, from your knowledge, have already been touched upon in the direct examination by your counsel. Therefore I need merely ask a few questions for clarification and to complete the testimony. First of all, can you recall, Professor, a visit which you made with the former Minister Speer about the end of 1940, in Neustadt, to Buerkel?

A Yes, I remember the visit, but I think that was a few years later -- probably 1943 or 44.

Q That may be. I am not of the opinion that it is common knowledge to know who Buerkel is. Therefore will you please tell the Tribunal who Buerkel was -- what he was.

A Buerkel was the Gauleiter of the Palatinate. The I.G. plants at Ludwigshafen and Oppau were in his district.

Q Was a Gauleiter an important man -- a powerful man?

A I believe one can say that. They had all the government authority in their districts. They were directly under Hitler and Hitler was always accessible to them.

Q What was the subject of the discussion between Buerkel on the one hand -- you and Speer on the other?

A Speer intended to inspect the bombed plants at Ludwigshafen and Oppau and since he knew I had connections in Ludwigshafen he asked me to go with him on this inspection. Gauleiter Buerkel was also to be present but shortly beforehand he had had an accident and had broken his foot and could not leave his home. After the inspection Speer asked me to go with him to visit the Gauleiter -- he said he had various matters to discuss with him. He also had to settle a personal question with me which he wanted to discuss with me alone. Therefore I drove with him in his car because he didn't want any witnesses to be present at this conversation. If I may add an explanation, the point was that shortly before that, the State Secretary for the Propaganda Ministry of Goebbels, -- that was State Secretary Neumann had called me up asking me to make a speech on the radio and say that I personally was convinced that the German government would win this war and was firmly convinced that Germany would be victorious. Neumann had mentioned several well-known names from industry, people who had declared themselves willing to speak to this effect. I had refused this request saying that I was in no position to speak on this subject and Speer wanted to know my motives. I told Speer I don't like to lie as a rule. If I had to make this speech on the radio and say that you demanded of me, then I would have to speak against my innermost convictions and Speer wanted to know my motives and especially my opinion about the situation as a whole, which I explained to him rather clearly on the trip from Neustadt to Heidelberg where Speer took me after the interview. In any case, when we were visiting the Gauleiter, the I.G. Farben was drawn into the conversation. Buerkel spoke with great appreciation of the Oppau plant management. He said people like Dr. Wurster Dr. Ambros and Dr. Mueller-Conradi were outstanding chemists and technical experts who had a good social sense and were interested in the welfare of their workers. But as he said verbatim, not one of those men is a real Nazi. That is what he said. He said that there was not a single Nazi in

the entire administration of Farben who was really in favor of National Socialism. He said that the feelings of the National Socialist government had been hurt because Farben had betrayed, had sold secrets to the United States. He said "verfuggert" a word which is hardly translatable. I tried to explain to the Gauleiter the value of international agreements and contacts and I tried to explain to him that a firm like Farben could help the German people by setting up international trade relations. The condition for this, of course, was an open and fair exchange of experience on both sides. And this was the meaning of the Standard Oil contacts which he had primarily attacked. I said I was certain that after the war we would have to work to the same end to restore German industry. I said I was certain that after the war we would have to work to the same end to restore German industry. Gauleiter Buerkel had no understanding for such arguments, apparently, and the interview was more or less without result.

Q For the information of the Tribunal to that great merchant in order to protect the name of Fugger and his descendants who became noblemen that the word "Verfuggert" in the sense of barter is the personal attitude of Mr. Buerkel. It is not a customary word in German. It is not customary to connect bartering with Mr. Fugger. Professor, when my colleague, Dr. Boettcher, examined you regarding the order of the German government to have involuntary foreign labor employed, you answered that it was impossible for industry to act against this order. You did not, however, give any explanation at the time. But when my colleague, Dr. Boettcher, asked you, to the same effect, when

discussing Goering's order to use concentration camp inmates as labor, and the executive order of Himmler, you answered that that was impossible because that would immediately have resulted in an accusation for sabotage of war economy and a undermining of the fighting spirit and would have been severely punished. I ask you, does this explanation of the impossibility of resisting the latter order, does it, in your opinion, explain your statement that resistance to the first mentioned order was not possible?

A. Of course that was also my opinion. If I did not mention it that was because I thought it was clear enough in the course of the trial.

Q. That is correct. But at the risk of repeating myself, I should like to ask you, did you read the judgment of the Flick case?

A. No, I have not had a chance to do that.

Q. Have you heard of its content?

A. Yes, I have.

Q. It is found by the Tribunal in this judgment that the State in the Third Reich with its executive organs, was omnipotent and therefore confirmed that there was a state of emergency for industry, a state of emergency which, in the opinion of the Tribunal, justified industry in failing to resist illegal and unjust orders. Does that factual finding agree with your own experience?

THE PRESIDENT: Just a moment. The objection to that question is sustained. The judgment in the Flick case speaks for itself, and this witness is privileged to speak for himself, but it is not proper to test his knowledge by comparing it with the judgment in another Tribunal.

You may ask him for the bald fact, Dr. Dix, and leave out of it the matter of whether or not that does conform to the judgment or the opinion in the Flick case. The Tribunal can read that and determine whether or not the views of the witness do conform to the findings in the Flick case.

Q. (By Dr. Dix) Then may I put the question as follows: Professor, does it correspond to your experience that the executive power of the

National Socialist government was so strong and so omnipresent that such resistance as was outlined before was virtually impossible for industry? Please do not answer until the Tribunal permits you to.

THE PRESIDENT: The question is quite leading, but we will permit the witness to answer just in the interests of time. He can tell in his own way what the power of the executive branch of the German government was. That is what we want to know. And I think the witness will, perhaps, understand the nature of the inquiry. You may answer, Prof. Krauch.

A. I believe I can answer the question in the sense which you specified. The executive power of the government at that time was so strong that it was impossible to offer any resistance to it at all, especially in this point.

Q. Another subject, Professor. My colleague, Dr. Boettcher, has examined you at some length, and you have answered his questions, about your talk with my client regarding the wish of the SS that a donation be made by Farben, for the widows and orphans of dead Waffen SS members. You testified that first of all both of you decided not to make this donation because of the source of the request, but that later my client told you that he had decided on his own responsibility to make the donation, both because of the charitable purpose -- for widows and orphans -- as well as because of his constant worry about the fate of the Jewish employees of Farben, especially the fate of the Weinberg brothers. You testified that both of you had constantly been greatly worried about this question, and you told of the arrest of one of the Weinberg brothers.

Merely for further clarification, I should like to ask you this: When you talked to Schmitz about the reasons for this payment, had Weinberg already been arrested, or were you just afraid that he would be arrested and was your fear later justified?

A. As far as I recall, the arrest of Weinberg was imminent; we expected him to be arrested by the Gestapo any day and were very much worried about this at the time.

Q. Professor, in an affidavit which is Prosecution Document NI-6060, Exhibit 1382, dated 26 February 1947, —

A. I do not have it.

Q. I don't believe it's necessary. In this affidavit you mention that after "many visits to the plants" you reported to Mr. Schmitz and told him (Schmitz) whom you had spoken to and what you suggested by way of improvement. Will you please explain the expression "many visits"? What do you mean by "many"?

MR. SPRECHER: Just a moment, Mr. President. I think there is some mistake in the citation of that exhibit, and I am at the moment only interested in clarifying the record. I understood Dr. Dix to mention an affidavit which was Exhibit 1382. Is that correct?

DR. DIX: 1332. I beg your pardon if I misspoke.

The expression "many" is rather vague. Would you be more precise?

A. That expression is too strong. It would have been better to say "several visits". I visited some Farben plants, and I talked to Geheimrat Schmitz only as to what I discovered in the Farben plants, of course. The expression "many" is perhaps not quite rightly chosen.

Q. Then may I ask you further, on the same point: When you reported to him, was the purpose of the report that Schmitz was to do something, or was the purpose — or what was the purpose? I don't want to ask a leading question.

A. It was not necessary for me to call upon the initiative of Geheimrat Schmitz, for whenever I had anything to discuss with the plants I did that myself and went to the directors, from whom I always got the greatest cooperation, especially those from I.G. Farben-Industrie, so that it was never necessary to appeal to a higher authority, which Schmitz was, after all, as president of the Vorstand.

Q.- Now a final question. In another affidavit of yours offered by the Prosecution dated 28 September 1945, Exhibit 437, you speak about how much information you gave your colleagues, including Schmitz, about your work under the Four Year Plan. You discussed this question during the direct examination by your counsel.

In this affidavit you say that you discussed your activity under the Four Year Plan with Schmitz, insofar as you informed him of the "long-range aims" of the Four Year Plan. I should be grateful to you if you would define this expression "long-range aims" a little more concretely.

A.- I meant, of course, long-range aims affecting Farben directly: to what extent gasoline production in Farben, Buna Production in Farben, methanol, etc., was to be expanded.

I assume that it has been brought out on my examination that I avoided discussing with Farben people aims which affected other industries, because I was trying to preserve my objectivity.

DR. DIX: No further questions.

THE PRESIDENT: May I interrupt the proceedings long enough to say that since the opening of the session, the Tribunal has communicated with Commissioner Mulroy, and he is entirely agreeable to postponing his hearing scheduled for this afternoon, until 9:30 tomorrow morning.

The Secretary General's office knows of the arrangements, and you may take that matter as settled, so that your hearing before the Commissioner will be at 9:30 in the morning, and the necessary arrangements will be made with the administrative agencies.

MR. SPRECHER: Mr. President, in that connection, although we have stated with respect to the balance of the affiants that it appeared there was no assurance that they would come in, we in no way attempted to withdraw any directions or requests we had made to bring in these affiants, since the defense wanted to have them here personally.

I have just been informed that Perry Broad, from the British Zone,

has also arrived and is anxious to get back, and therefore, I would like to take this means of giving notice to the Defense that Perry Board will also be before the Commissioner tomorrow, so there will be no lack of notice.

THE PRESIDENT: Very well.

In that connection, may I inquire if a report addressed to the Tribunal as of yesterday by the Commissioner has been called to the attention of counsel for the Prosecution and the Defense, giving a summarization of what has been accomplished and what is outstanding, with some recommendations for handling the balance of the matter.

Do you know anything about it?

MR. SPRECHER: Neither Dr. Boettcher nor I has received it.

THE PRESIDENT: It was a communication directed to the Tribunal, but after the morning recess I will file one copy of that report with the Secretary General, so that it will be available to all of you, and perhaps about Monday morning we may wish to talk to you about it.

In the meantime we will make it available with the Secretary.

You may proceed with the examination of the witness.

CROSS EXAMINATION

PROFESSOR KRAUCH

BY DR. SEIDL (Counsel for Defendant Duerrfeld):

Q.- Witness, in the direct examination you testified about your visit in 1943 to the Auschwitz plant of Farben. I have only a few supplementary questions.

What was the over-all impression that you got at that time of the plant under construction, from the organizational and technical point of view?

A.- I believe that in my direct examination I indicated that the impression I gained was a very good one, from the organizational as well as from the technical point of view.

Q.- Was this good over-all impression the result of a ruthless use of human beings, or did you have the feeling that the relatively quick building of the plant was possible because of well-thought-out organization, and especially because of a high degree of mechanization, such as building machinery and other technical aids?

A.- I had the same impression as on the other construction sites of Farben, that this efficient production of the plants was the result of good technical measures and extensive mechanization of the work.

Q.- Witness, I assume that you have inspected a great many industrial plants; plants which were finished, and also plants which were under construction. Did the tempo of the work at the Farben plant in Auschwitz differ from the tempo in other factories which you inspected?

A.- In no way.

Q.- Did you see in the plant that, for example, the prisoners were beaten?

A.- No. If I had seen that I would have intervened immediately.

Q.- Did you make any other observations justifying the conclusion that prisoners were beaten? Did you see any wounded people or prisoners with traces of mistreatment?

A.- No.

Q.- You have known Dr. Duerrfeld since he worked at Pöhlitz?

A.- Yes.

Q.- During your visit in 1943 to the Farben plant at Auschwitz, did you get the impression that Dr. Duerrfeld, both as construction manager and as Farben commissioner, fulfilled your expectations?

A.- I had the impression that I had expected: that Duerrfeld was doing his work here just as well as he had done it in the construction of Pöhlitz, where he had impressed me for the first time because of this ability.

Q.- Did the management at Auschwitz, especially Dr. Duerrfeld, have

the assignment, or perhaps even the order, that the plant be put into operation as soon as possible?

A.- Dr. Seidl, they were not ordered to put the plant into production as slowly as possible. There was a war going on. It was a matter of course that they had to do everything they could to put the plants into operation as soon as possible.

Q.- Is it true, witness, that the times set for the beginning of production were regularly discussed with the men concerned in Berlin every six to eight weeks?

A.- Yes, regularly.

Q.- Could these various times which were set be kept, or was it necessary because of difficulties resulting from the war in various fields to extend these times?

A.- This was frequently necessary; as you just said, there were often difficulties arising from the war which brought about delay in the delivery of supplies, so that the plants were not finished at the time which were originally set.

Q.- Witness, didn't members of your office in Berlin and in Rattowitz have instructions that the Auschwitz plant be given support by the signing of contracts with foreign firms through the mediation of the competent labor authorities?

A.- That was the primary duty of these gentlemen.

Q.- If it was not possible to obtain enough workers through such contracts with firms, or to obtain other German workers and free foreign workers, was it the duty of Dr. Duerrfeldt to take advantage of the opportunity given by Goering's decree of 18 February 1941 to employ prisoners?

A.- That was his duty.

Q.- Professor Krauch, would Dr. Duerrfeldt have been called to account if he had refused to take advantage of the provisions of the Goering

decree of 18 February 1941 and employ prisoners, if he had refused to employ prisoners on his construction site?

A.- I would certainly assume so!

Q.- During your visit you got an impression of the work of the prisoners at Auschwitz and saw how they worked. Were you able to form any opinion as to whether it was to the advantage or disadvantage of the prisoners to work for Farben at Auschwitz?

A.- You must ask me in comparison to what an advantage in comparison to what I don't understand what you mean.

Q.- In comparison to the main concentration camp at Auschwitz which you also saw the living and working conditions there.

A.- It was always considered a mitigation of punishment in Germany - I remember when I was a child, seeing the convicts being taken to work - that, in order to make the lives of these people easier, they were given an opportunity to work in civilian life as convicts.

Q.- And now, a final question, referring to an affidavit which you gave to the Prosecution. I am referring to the affidavit which was offered by the Prosecution as Exhibit 1420, that is Document NI-4033, Document Book 72 of the Prosecution, page 72 of the German text, No. 13 of this affidavit. I quote:

"The Farben Buna plant at Auschwitz," No. Correction No. 9:

"Before their negotiations with the SS, I invited Buete fish and Duerrfold came to me and explained to them my disapproving attitude."

The visit was in march, 1941, as General Wolff testified.

Now, witness, I should like to put to you that both Dr. Duerrfold and Dr. Buete fish deny that they talked to you either before or after this interview with General Wolff. Do you maintain your testimony if I put this assertion to you?

MR. SPRECHER: I object --

THE PRESIDENT: The objection is sustained. It would be argumentative. There would with the witness.. The objection is sustained.

You may interrogate the witness fully as to whether he stands by that statement, but whether it is denied by some one else is of no concern to the witness or to the Tribunal at this time. Interrogate him fully as to whether he wishes to stand by it or modify it, but it isn't a matter of comparison.

BY DR. SEIDL:

I shall put another question.

Q. Professor Krauch, do you recall the quotation from your affidavit?

A. I do not have it here, but I believe I remember it.

Q. Do you maintain that statement in your affidavit, or do you have any reason to correct it or withdraw it?

A. I have an explanation to make. By the knowledge of my attitude in the whole concentration camp question I meant the attitude which I took at the time, when Himmler personally, through Kranefuss, suggested to me to have SS plants built and operated by concentration camp inmates. I believe that in the direct examination by Dr. Boettcher I endeavored to make clear what my attitude was at the time, that I refused this suggestion for certain motives which I hardly need repeat. I reported these motives, which lay nine months or a year earlier, to the plants with which I had dealings, because I wanted to prevent Himmler, through Kranefuss, going over my head and going directly to the plants for chemists and engineers, so that the plants knew what my attitude was. That is what I meant.

DR. SEIDL: No further questions.

THE PRESIDENT: Any further questioning of this witness by the defense?

PROFESSOR KRAUCH

BY DR. BERNDT, (counsel for the defendant ter Meer):

Q. Witness, can you tell me more or less accurately what the last TEA meeting was that you attended?

A. I do not know the exact date of this TEA meeting. I only know that it was before April 1936. After April 1936 I did not attend any TEA meetings or Vorstand meetings of Farben.

Q. When were you elected to the Aufsichtsrat?

A. After the death of Professor Bosch, in May 1940.

Q. And you were immediately elected chairman of the Aufsichtsrat?

A. Yes.

Q. Did you attend any meetings of the Aufsichtsrat?

A. I attended a few meetings. When it was considered necessary for me to speak a few words because of an anniversary, birthday, etc., of prominent members of the Aufsichtsrat of the Vorstand.

Q. Did you conduct any Farben stockholders' meetings, as chairman of the Aufsichtsrat?

A. No.

Q. In your position in Berlin you had to pass judgment on the supplying of workers for the chemical industry?

A. I had to pass judgment on labor for the chemical industry insofar as they were under my authority as G.B.Chem. or Provisional head of the Reich Office.

Q. Not the entire chemical industry, but only the part which was under you as G.B. Chem?

A. Certainly not for the entire chemical industry; and for the part of which I was in charge, only for expansion. When the plant actually went into operation, it was under the Ministry of Economics, which took care of the plant after that.

Q. You told us that Auschwitz was built by Farben because first place, Farben had received an order to that effect, and second, Farben

was the only concern which was in a position to build Auschwitz at that time.

I should like to know one more thing. Do you recall that there were disputes in the Reich Ministry of Economics before hand?

A. I remember that after consulting the documents of the various meetings in the Reich Ministry of Economics.

Q. And what did Farben do at these meetings at the Ministry of Economics?

A. Farben objected to the building of a plant in the East, saying they were very busy. The plant in Ludwigshafen had been approved, and it had to be put into operation. They said they did not have the necessary skilled people to start building a new plant; they were overworked; they had great difficulties.

Q. Can you tell me who, for the first time, suggested Auschwitz as a suitable site for a big chemical factory?

A. As far as I know, it was the Mineraloel Baugesellschaft (Mineral Oil Construction Company), a private company under Dr. Koppenberg, who had set up an office here with the assignment of advising factories and plants which had received a government order to build gasoline factories. Representatives of the Mineral Oil Construction Company were traveling around looking for suitable terrain, so that if the question became acute they could recommend a site to the company which was to build the plant.

Q. Can you recall, or do you know, that about 1934 military authorities approached Professor Bosch with the request that Farben was to do scientific work on chemical warfare agents?

A. I do not know whether they approached Professor Bosch personally. I do know, however, that there was a conference. I believe in addition to myself Dr. ter Meer was present, and perhaps a few other people, but I am not certain. Professor Bach at this meeting made it quite clear that he was absolutely opposed to Farben's working on

chemical warfare agents, and he instructed both Dr. ter Meer and me to refuse any such requests from the military.

Q. You said that Dr. ter Meer was present at this meeting. Can you tell me what Dr. ter Meer's own opinion was regarding this request?

A. I believe that Dr. ter Meer shared my own opinion. I am quite certain of that, because both of us immediately supported Professor Bosch.

Q. Do you know what the attitude of Dr. Schacht, as Reich Minister of Economics, was on the question of Buna autarchy?

A. I recall a discussion which I had with Minister Schacht, when he wanted me to give him a report on business in Brabag. On this occasion Minister Schacht congratulated me because Farben had finally decided -- although it had always been opposed to the idea -- to enter upon large-scale production of Buna, which he, Schacht, had always wished and requested. I believe that shows Schacht's attitude quite clearly.

Q. You have told us that on Goering's birthday Farben gave him presents. I said, "Farben". Now was there a resolution of the Vorstand made on this question, or were all members of the Vorstand consulted beforehand, or were they informed after the gifts were presented?

A. I cannot tell you that, Dr. Berndt, since I myself no longer attended meetings of the Vorstand. It would merely be an assumption on my part.

Q. And what is your assumption?

THE PRESIDENT: Just a moment. That is getting in the field of the speculative. The trial had better be limited to facts that he knows, and show what he doesn't know by someone else, Doctor.

MR. SPRECHER: Since we are interrupted, Mr. President,

could I suggest to the questioner that I think some of the questions are certainly very leading, but in order to save time only, we have not been objecting.

THE PRESIDENT: Very well, try to make your questions simple and direct, Doctor, and get along.

BY DR. BERNDT:

Q. You told us that, on the basis of news from the enemy radio, you learned of poor conditions in a concentration camp in Poland. Did you talk to other members of the Vorstand about this?

A. No.

Q. You also said that you went to Auschwitz specifically in order to see for yourself about concentration-camp inmates. Was there any special reason for this?

A. No special reason, but since I had a certain position and was in charge of a construction site where for the first time concentration-camp inmates were being employed, I wanted to see how these people were employed, and how they were cared for there, just as I tried to do in the case of foreign workers.

Q. You told us that, in a conversation with Hitler, Hitler reproached you, saying that you built those plants on a purely commercial basis. What plants did he mean? Any specific plants?

A. To be quite accurate, those reproaches--with Hitler's approval, of course--came from Goering. I just want to make that formal correction. When he said that the plants were built on a commercial basis, Goering no doubt meant all the plants of the Four-Year Plan, including, of course, the I.G. Farben-Industrie plants.

Q. Then, will you please tell me what he meant by a "purely commercial basis"?

A. "Purely commercial basis" is the policy of producing a product as simply and as cheaply as possible; to concentrate the structures so that it will be possible to transport directly, taking no consideration of danger of air-raids, etc.; to put the plants near coalfields, if possible, which, of course, is a good guide for enemy planes; near traffic arteries. I don't believe I need go into any more detail.

DR. BERNDT: No further questions.

BY DR. NATH (Defense Counsel for defendant Ilgner):

Q. Professor, would you please answer a few questions for me? You will recall that the publicity agent Mr. Ivy Lee plays a certain role in this trial. Do you know whether the Standard Oil Company of New Jersey, in 1928 or 1929, had a contract with Mr. Ivy Lee and what the purpose of this contract was?

A. My attention was brought to the name Ivy Lee by a conversation which I had with Mr. Clark, one of the Vice Presidents of Standard Oil of New Jersey. On the previous day, I had happened to read, in an American newspaper, something about organizations of history. Three great organizations were listed: the first was that of the Roman Empire, the second was the Catholic Church, and the third was Standard Oil. Mr. Clark was kind enough to tell me that the fourth was I.G. Farben-Industrie. I expressed my astonishment to Mr. Clark at this charge of public opinion in America in judging Standard Oil. I had always heard

that the policy of Standard Oil, under its first manager and founder, John D. Rockefeller, had been rather violently attacked. This had now changed, and, quite naturally, I asked Mr. Clark why this was. Mr. Clark said to me that in respect to informing the public, Standard Oil had recently taken up a new policy, contrary to that of John D. Rockefeller. John D. Rockefeller had refrained completely from informing the public about his plans and his aims. Mr. Clark said: "Nowadays, a big company cannot afford this point of view, and the Executive Committee of Standard Oil considered it necessary to take a different path there." They had the aid of a man named Ivy Lee who had performed outstanding services. I heard later that Mr. Teagle, the President of Standard Oil of New Jersey, discussed this point with Professor Bosch, which, no doubt, was the occasion for Professor Bosch to consult Ivy Lee on such questions. That is what I know about it.

Q. Professor, did Mr. Clark advise you at that time that Farben should also get in touch with Mr. Ivy Lee?

A. He did hint that. He said that he felt that Farben, in its publications and its announcements at the stockholders' meetings, was not very communicative, and he thought that we might be well advised to consider this point of view.

Q. Thank you. I now come to another point.

Professor, I should like briefly to discuss with you the Norsk-Hydro project in Norway, in regard to chronology. You have told us, if I understood you correctly, that the Director General of the Junkers plant, Mr. Koppenberg, went to Mr. Aubert, the Director General of Norsk-Hydro in Norway, in order to persuade this firm to take up the production of light metals. Do you know whether Mr. Koppenberg was acting on behalf of the state, or on whose behalf was he acting?

A. Koppenberg, who was Director General of the Junkers Plant at the time, no doubt acted at the suggestion of Udet, who was the Ordnance Chief of the Luftwaffe, who suggested that the enormous water power resources of Norway be utilized for the production of light metals. The Luftwaffe, of course, had a great need for light metals. It had often

been considered that German water power should be utilized for this purpose, because the German coal supply, both anthracite and soft coal, was limited, and it was advisable to conserve fuel for the future. Goering immediately took up this suggestion and gave Koppenberg plenipotentiary powers for the exploitation of water power and the manufacture of aluminum.

Q. Thank you.

Now, the second phase of the development. You said that Mr. Aubert then came to Berlin and got in touch with you. What did he discuss with you?

A. Aubert told me that Koppenberg had talked to him and asked him and his company, Norsk-Hydro, to participate in this program. Aubert said that he considered this enormous aluminum program - the ultimate aim was 200,000 to 250,000 tons - economically unsound, and he said that he could not make up his mind to urge his company to participate. I asked him what he intended to tell Koppenberg. He said that he was in a very difficult position. The Directorate General of Norsk-Hydro (General Direktion) was not at all popular with the Reich Commissar for Norway, Terboven, and he was afraid that if they refused, steps would be taken to have the Directorate General of this company dismissed, perhaps even arrested, and people appointed who were in favor with the Quisling Government, which collaborated with Terboven. Therefore, he wanted to consult with me as to whether it was not possible to carry out some other projects now, about which he and I had already been negotiating in earlier years. That was true. I recalled that four or five years earlier Aubert had visited me in Berlin and had asked me whether his water-power resources could not be better utilized if he took up production which specifically required electric power. He was thinking at the time of the production of magnesium. He also mentioned methanol and Buna. We had tried to work out a plan together, but finally we decided against methanol because it was discovered that methanol would never approach the world market price in the caloric value, as compared to natural gasoline or oil, and was therefore useless for fuel production. The Buna process was

not ready at the time of the negotiations, and Farben had refused the German government's request to undertake large-scale fabrication. I may recall Keppler's negotiations with Ter Meer. Only magnesium seemed to be a product which promised some success.

He also brought to my attention another process. Near the Rjukan plant, that is the Norsk-Hydro plant, there is a big deposit of mineral oil called Labradorite; by a simple treatment with nitric acid, Norsk-Hydro could produce calcium nitrate. A by-product is alumina. It was possible to obtain here a supply of alumina for the aluminum plants to be set up elsewhere.

Q. Thank you, Professor. I believe that is sufficient.

I merely want to ask you the following: Do I understand you correctly if I say that the Norsk-Hydro plant had been in touch with Farben several years before Koppenberg's activity?

A. That is true.

Q. Do you happen to know anything about the foundation of Norsk-Hydro in 1907? Do you know whether a Farben company had anything to do with it?

A. The Deutsche Anilin- und Soda-Fabrik (German Aniline and Soda Factory) participated, because the so-called Birkeland-Eyde process was to be introduced for the production of nitrate compounds.

MR. SPRECHER: It seems to me that is exceedingly remote.

THE PRESIDENT: We think it is quite remote. We very much doubt that it justifies the time it is taking. Unless counsel has something of direct value, I would suggest to you to get on to something since 1907, Counsel. That is getting back pretty far, unless its very important.

DR. NATH: I beg your pardon, Mr. President, I wanted to make it clear to the Tribunal that this connection with Norsk-Hydro was nothing new in the war but had existed for many years.

MR. SPRECHER: We think that it is already very clear from the documents that there had been some kind of a relationship between the two companies even before the war, and we will so stipulate.

THE PRESIDENT: Very well. We'll take that as an accepted fact and obviate the necessity of any further proof on it.

BY DR. NATH:

Q. Professor, the third phase of the development. Mr. Aubert, as you testified, was in Berlin and discussed these questions with you. Now, subsequently were there negotiations about the facrication of magnesium between Farben and Norsk-Hydro?

A. Aubert had told me that he considered it very important for Farben to participate in this extension program. He made it rather clear that he expected from Farben participation protection against alienation by the Norwegian Government or the Commissar Tarooven. He wanted to have a German enterprise on his side to have some assistance against other efforts.

Q. Professor, it's very kind of you to emphasize that. Will you please tell me whether you know that now, after Aubert's visit, there were negotiations and what new companies were to be formed, if any?

A. It was clear, after Aubert had told me this, that Aubert wanted to negotiate with Farben. An agreement was then reached and a joint company between Norsk-Hydro and Farben was created.

Q. You spoke of magnesium production, Professor. Now, Koppenberg had been interested in something else, in aluminum. Now, were these contracts by which Nordisk Lettmetall was was created signed regarding the fabrication of magnesium or were they interfered with?

A. Shortly thereafter, Koppenberg went to see Aubert and said that it was not permissible for a company to be formed by only Farben and Norsk-Hydro to take over this project. He demanded that the Reich, that is, the German Government, through the financial administration of the Aviation Ministry, have a share in this company. He also brought an order that the Norsk-Hydro or new company should also work

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on aluminum though a modest extent. Thereupon, a company was formed with one-third participation each by Norsk-Hydro, Farben and Nordag. Nordag was the company dominated by the financial administration of the finance administration of the Luftwaffe Ministry.

Q. Professor, to make sure that I understand you correctly. The final production was a state order which had to be obeyed? That's correct?

A. Yes, that is correct.

Q. I shall now leave this point and shall ask you briefly the following: Professor, did you ever talk to my client, Dr. Ilgner, about the construction of Buna plants?

A. I believe that I never talked to Ilgner who was a commercial man about the construction of Buna plants.

Q. Did you have any important contact with Dr. Ilgner at all, aside from the evacuation measures in February, 1945?

A. I had virtually no contact with Ilgner. I was quite interested in seeing him now and then get reports on his trips and impressions.

DR. NATH: Thank you. No further questions.

BY DR. VON METZLER: (Defense Counsel for defendant Haeftliger):

Q. Dr. Krauch, I have only a very few questions. You said in your direct examination, if I remember correctly, that before 1933 a German statesman once said that, without Farben, no German foreign policy was possible. May I ask you how I am to interpret this statement? Would you explain it in some more detail?

A. The statesman who said that was Stresemann, no doubt the most competent foreign minister we had in Germany after the first World War. I believe I heard this statement from a member of Farben who, apparently, was present when

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Stresemann said it, so perhaps it was just a politeness to Farben. Stresemann, no doubt, was referring to the entire chemical industry which was one of the major exporters of the Reich. I am sure he was thinking of potassium which brought in foreign currency, too, and the iron industry. Stresemann was certainly thinking from economic policy. Thus he alleged was it possible to carry out a decent German policy with other countries.

Q. You mean he was thinking of the economic point of view?

A. Economic life, yes, I'm sure.

Q. Then, I have two brief questions regarding Norway. What connection did Director General Aubert, whom you mentioned, have with Farben?

A. Director Axel Aubert was a member of the Aufsichtsrat of I.G. Farben.

Q. Do you know since when?

A. I can't tell you exactly. I know only that he was a very highly respected member of the Aufsichtsrat because of his great economic knowledge and his many friends abroad. Axel Aubert was a very highly esteemed man in many countries.

Q. Then, Dr. Krauch, one more question. Do you recall whether Farben received a government order for magnesium and already had it when Aubert approached you in 1940 to discuss the magnesium project?

A. That is true. Farben had the order to exploit Bavarian sources of water power, at that time the water power of the Lech river, and to produce magnesium there. After the more lucrative project in Norway had been brought up, the other project was dropped and the water resources there were used for quite other purposes which had nothing

to do with Farben.

Q. Professor Krauch, do you remember what Koppenberg's order for aluminum to Nordisk Lettmetall was?

A. If I remember correctly, it was 10,000 tons.

Q. And what was the entire program of Nordag which embarked upon the big aluminum production?

A. I already mentioned that figure. It was 200,000 to 250,000 tons.

Q. In your examination in chief you mentioned that Dr. Moschel of Farben went over to Mr. Koppenberg. Would you tell me whether that was at Mr. Koppenberg's suggestion or whether that was Dr. Moschel's own wish?

A. I believe that probably came from both sides. Dr. Moschel received an excellent offer from Koppenberg. As far as I know, he was offered three times the salary that he got from Farben so that, for financial reasons alone, he was interested in taking this position.

Q. Now, another subject, Professor Krauch. During your examination in chief you have already described your attitude in the Ford Plant matter and you have described your efforts to prevent the affiliation of these plants to the Hermann Goering concern. May I ask whether you had any financial advantage from this activity?

A. Specifically for this task of preventing the affiliation of the Ford plant, of course, I did not receive one pfennig. I did receive money later as a member of the Aufsichtsrat of the Ford plant, but this was merely formal. It was customary in Farben that members of the Vorstand or salaried employees of Farben who, for any reason, as for instance Farben's own interest, received remuneration from any other source, had to deduct this sum from their salary received from Farben so that by accepting the new position their income was not increased. I believe this was a very

wise rule. Thereby it was intended to prevent conflicts of interest, to prevent the person concerned working more for the other side than for the company by which he was employed.

Q. That is sufficient. Thank you.

Now, my final question: This is in regard to your affidavit, Exhibit 338, Volume 12, Page 181, German page 161.

Professor Krauch, in this affidavit you deal with knowledge and responsibility of the Vorstand, participation of Vorstand members in TEA meetings and KA (commercial committee) meetings, and you also speak about the significance of the TEA and KA (commercial committee). May I ask you, Professor Krauch, on what do you base the opinion expressed in this affidavit?

A. I could base it on conditions before 1936, there were rather significant changes in the course of time in the entire organization of I.G. Farben Industry. What I said about the commercial committee was pure assumption. Because even in earlier years, before 1936, I never attended a meeting of the commercial committee.

Q. Now, for clarification, if I understand you correctly, you said before on direct examination that from 1936 on, in order to preserve your official objectivity, you have dissolved your connection with Farben.

A. That is the meaning of what I said, yes.

Q. And specifically, that you never attended any meetings of the TEA or Vorstand after the Spring of 1936?

A. That is correct.

Q. Now, a last point: Some where you speak of participation of Vorstand members in the SOKO, the Social Commission, and you say that almost all members of the Vorstand participated. On what do you base this assumption?

A. It was customary to hold the SOKO meetings alternately in the various plants. It was generally customary,

at least, before 1936 when I had insight into these matters, for the plant manager, who was usually a technical man, to open the meeting, to look at the agenda, perhaps to hold a speech, then to leave the meeting, or, if there was something which interested him, to remain. It was not the case that if there was a meeting at Ludwigshafen, all members of the Vorstand came from Oppau and Berlin only to attend the SOKO meeting. What I meant was just the manager of the specific plant, if they were interested.

DR. VON METZLER: No further questions.

THE PRESIDENT: May we inquire, before the recess, how many more members of defense counsel expect to interrogate this witness? Would you indicate, please?

(Several defense counsel stood at their seats.)

Very well.

The Tribunal will now rise for its morning recess.

(A recess was taken.)

THE MARSHAL: Persons in the Courtroom will please find their seats.
The Tribunal is again in session.

THE PRESIDENT: I am about to hand to the Secretary a report from Commissioner Mulroy to the Tribunal, under date of 14 January. Just to summarize for one moment, this report indicates that on 8th of December the matter of conducting the cross-examination of forty-three witnesses was referred to the commissioner. The report further discloses that the cross-examination of thirteen of these witnesses has been waived by the defendants; that two affidavits have been withdrawn by the Prosecution, obviating any necessity of cross-examination; that eight witnesses have been cross-examined under the supervision of the commissioner; and I may add in that connection that it was disclosed this morning that two more witnesses will be available for cross-examination tomorrow. That leaves eighteen witnesses, the cross-examination of whom has not been waived or conducted by the commissioner. Attached to the commissioner's report is an affidavit from the Prosecution Staff, pointing out the practical difficulties of producing these eighteen witnesses for cross-examination before the commissioner.

If there is any further showing to be made by the Defense as to the availability of these eighteen witnesses, or any of them, we should like to know of it; otherwise, we would be disposed to accept as conclusive the statement of Prosecution that they cannot be produced.

Now, the commissioner has further recommended that interrogatories be utilized in lieu of cross-examination as to these eighteen witnesses, and has suggested to the Tribunal that he thinks it would be appropriate for the Tribunal to fix a date for the submission of interrogatories.

Before doing that we should like to be advised of the views of the Defense as to whether they have any information as to the statement of the Prosecution that these witnesses are not available is to be accepted as a fact, and also discuss with you when these interrogatories may be prepared.

We indicated the other day that we would not feel free to pass on some

pending motions until this matter was closed, and I think the counsel for both sides can appreciate the position the Tribunal is in in that regard. We're anxious to move that matter along, and next Monday morning we shall take this subject up again and undertake to work out the disposition of the problem. In the meanwhile I shall hand this report, with the attached documents, to the Secretary so that it will be available to counsel for both sides. Dr. Boettcher.

DR. BOETTCHER: Your Honors, may I ask the permission of the Tribunal that we not be required to make this statement on Monday, but on Tuesday, because I have to consult a number of my colleagues about the report of the commissioner, who will certainly not be able to get together today or tomorrow, but only on Monday.

THE PRESIDENT: Very well. Well, then we shall say Tuesday morning instead of Monday morning.

DR. GIERLICH: Mr. President, I believe it will be very valuable for the considerations of the Defense if we could find out quite generally, without going into detail, whether, in such cases in which it is not possible to procure the witnesses here in Nuerenberg, it is not possible to have the commissioner conduct an examination on the spot at which the witnesses are, and of course, representatives of both counsel for the Defense and the Prosecution should be able to accompany the commissioner for such hearings. As far as I am informed about the proceedings in other cases. This way out has been chosen or has been taken under advisement and chosen in some cases, and I believe it would be very important for the Defense to hear the Tribunal's view as to this procedure.

THE PRESIDENT: The Tribunal can well see the advantage of conducting oral cross-examination rather than resorting to interrogatories, and, as we are presently advised, there might not be any insurmountable problem to that, in those instances where the witnesses are in Germany, but witnesses in some foreign countries—some other countries—might present some very difficult problems that would be practically insurmountable insofar as travel and facilities for the convenience of counsel are concerned. We

may say that we are entirely agreeable, where that can be arranged, to approve the procedure that you have suggested, Dr. Gierlich; but that will require a scrutiny of the individual situation as it applies to the individual witnesses and their location and situation. In the meantime if you have, on Tuesday morning, some suggestions or recommendations to make along that line we'll be glad to hear them.

Is there anything further on this subject? If not, counsel for the Defense may proceed with the examination of the witness.

DR. VON METZLER (Counsel for defendant Krauch): Mr. President, I wish to apologize to the Court; I have forgotten to put one question to the witness. May I ask for the permission of the Court?

THE PRESIDENT: That is not at all unusual, and you may certainly do that.

BY DR. VON METZLER:

Q Professor Krauch, I have one further question to you. Did you discuss with my client, Paul Haeffliger, any questions in your scope of activity?

A Not as far as I remember. I believe that during the time of my office I only spoke with Mr. Haeffliger once for private reasons.

Q Do you know in particular that during the Austrian Anschluss the possibility was discussed that the Skoda-Wetzlar Works should be included in the Four Year Plan at that time?

A The name of the Skoda-Wetzlar Works were never mentioned at that time in connection with the Four Year Plan.

DR. VON METZLER: No further questions.

THE PRESIDENT: Very well.

BY DR. ACHANBACH (Counsel for defendant Gajowski):

Q Prof. Krauch, I have only one brief question to put to you. Did the scope of activity of Sparte III, which was presided over by Dr. Gajowski -- photographic materials and artificial fibers, fall within your scope of activity as Plenipotentiary General for Chemistry?

A The work of Sparte III had nothing to do with the competency of the Plenipotentiary General for Chemistry.

Q Dr. Krauch, the Prosecution refers in its trial brief to a document presented by it which is Document NI-6713, Book 25, page 12. That is Exhibit 512. This is an

affidavit of Dr. Ilgnor's and it is stated there that Dr. Gajewski was a honorary advisor to you in your capacity as Plenipotentiary General. Is that correct?

A No, I know nothing about that.

DR. ACHANEACH: No further questions.

BY DR. HELMUT DIX (Counsel for defendant Schneider):

Q Professor Krauch, for what length of time have you known Prof. Schneider?

A I have known him since 1912.

Q A long while ago, in your younger years, you worked with him, didn't you?

A Yes, I worked with him quite a lot.

Q Can you tell me very briefly about the scientific achievements of Dr. Schneider?

A Dr. Schneider did a lot of excellent work in the Farben laboratories. I may mention quite briefly his first patent, the production of oil, from coal oxide and hydrogen. This was an invention which opened the door to a number of now technically important patents. I may remind you of the development of the Fischer processes of gasoline synthesis; I may remind you of methanol, iso-butyl alcohol. And he worked a lot on the hydrogenation field. Already during the First World War he discovered processes for the production of lubricating oil. While he was chief of Leuna he developed especially the gasification processes of soft coal. He also worked in the fertilizer field and discovered a number of processes that became important for Farben.

Q You were the chairman of the Aufsichtsrat, and before that you had been a member of the Vorstand although you were, since 1936, not in Farben itself -- or perhaps especially because of that reason. I want to ask you whether

you know anything about the fact why Dr. Schneider became the main plant leader of Farben?

A His appointment I remember very well. Prof. Bosch one day spoke to me and said that he would consider it more proper if the main plant leader -- up to that time Prof. Selck -- in Frankfurt would be replaced by a gentleman who had gained more practical experience in the treatment of employees and workers and who knew more about their social welfare. Prof. Selck was one of the legal experts of Farben. He was simultaneously a professor at the Frankfurt University, and really had no direct contact with the workers. Dr. Schneider was the director of the largest Farben plant, the Leuna Plant. I had known him for a long time. I knew that he always had had much understanding for his workers. Later, when he held a high position he still kept in touch with his workers and was highly esteemed by his workers and employees. He had a natural gift for social improvements and he did much towards the realization of such ideas. I explained to Prof. Bosch that I could not imagine a man who was better qualified for such a position than Dr. Schneider. Prof. Bosch then appointed Dr. Schneider as the main plant leader of Farben.

Q Didn't the political attitude of Bosch have something to do with this, and the difference between Selck's and Schneider's attitude regarding politics?

A It may have played a certain part in the considerations. I believe that Selck had entered the National Socialist party very early, and Bosch's attitude was quite generally known, so that he would certainly not have been inclined to be favorably toward Selck.

Q Do you know anything, Prof. Krauch, about the fact why Prof. Schneider became the main Abwehrbeauftragter?

A I believe he became the main Abwehrbeauftragter without any endeavors on his part. I think this appointment was a surprise to him. They assumed that, as the main plant leader of Farben, he had connections with the other plants that were not directly under his jurisdiction, so that for that reason he appeared to be the proper person.

Q You were Sparte chief for quite a while, Prof. Krauch. Can you explain to us very briefly what the tasks of a Sparte chief were, also with regard to questions of personnel?

A The main functions of a Sparte chief was the financial settlement of the production in this plant. As such, he of course was interested in having the chief positions taken by people who had his confidence and those who he felt had the necessary knowledge.

Q When did Dr. Schneider become your deputy in Sparte I, and when did he become your successor?

A That was probably in 1938 or 1939, when his appointment was officially made known by Farben.

Q When was he your deputy?

A He became my deputy when I took up my Berlin activities, so that he already took over a number of my functions as my deputy.

Q My colleague Achenbach referred to the lists of those persons who worked for the G.B. Chem, the Plenipotentiary General for Chemistry, on a honorary basis. Among these names is also that of Dr. Schneider. Is it true that Dr. Schneider was such an honorary consultant for the Plenipotentiary General of Chemistry?

A As far as I know, Dr. Schneider did not hold such an honorary position.

Q In Book 22, Exhibit 484, there is some correspondence about the procurement and distribution of a book written by Gritzbach about Goering, which Dr. Schneider took over. Do you know about the reason for this affair?

A Yes. Gritzbach one day came to me and pointed out to me a book he had written about Goering. He seemed to be interested in selling this book, and asked me to see to it that Farben should buy this book and use it for purposes of giving gifts to the employees and workers.

Q In Book 68, Exhibit 1332, you describe the conditions already treated by Dr. Bootcher in the plants, especially in the plants of Schkopau Heidebreck and Gondorf. In this affidavit you also speak about the fact that you frequently discussed such things with Dr. Schneider. Please tell me the nature and the extent of these discussions very briefly as far as you still remember them, and as far as it is still necessary after your direct examination?

A During my interrogation I remarked repeatedly that the social care and welfare of the plants of Farben were model in nature and that they were exemplary, to be recommended to plants that did not belong to Farben that they should also adopt the methods which the Farben plants had instituted. If I had any complaints to make -- which did not happen very frequently in the Farben plants and which

were always very quickly settled -- then I usually spoke about these complaints to the director of the particular plant where I had noticed the shortcomings. When I got together with Dr. Schneider, which happened frequently because of our friendly relations, when I met him privately it may have been that I mentioned to him one or the other instances. But generally I had no reason to ask Dr. Schneider's assistance because he did not have to give me any such aid.

Q You probably did not discuss very frequently your official tasks with Dr. Schneider?

A I did speak about my official tasks, if they concerned questions of the Buna plant, of which he was director, but otherwise, for reasons that I certainly do not have to repeat, he did not discuss other things.

Q I have one last question. Spart 1 was to carry out certain production projects in the Auschwitz plant, especially phenol methanol, iso-octane, nitrogen and synthetic lubricants. Who was the originator of these projects?

A All projects that you mentioned were orders of the government agencies. Phenol was used as a substitute for fats that were largely needed for food purposes. Methanol, I happen to remember, for the production of powder. Nitrogen, for fertilizer, and so on. In carrying out the plans of the Economics Ministry and the plans of the Armament Office, such plants should be affiliated to the Auschwitz plant also.

THE PRESIDENT: Gentlemen, I trust you will not misunderstand my observation when I say on behalf of the Tribunal that the examination of this witness has reached the stage where we look with very kindly favor upon counsel who announces the time of starting his inquiry that he has a few simple questions to ask. We think the testimony of

this witness has been pretty well exhausted. Certainly we do not intend to deny counsel who thinks something ought to be gone into briefly, the opportunity to do so, but we do appreciate it when it is a brief inquiry.

You may proceed Dr. Hoffmann.

BY DR. HOFFMANN: (Counsel for the defendant Ambros)

Q Witness, I have only a few questions to discuss. In your examination-in-chief you stated and you explained what a plant manager is, and you said that this plant manager was supported by the German Labor Front as far as social care and welfare work was concerned; is that right?

A Yes.

Q I wanted to ask you further; at another place during your examination-in-chief you spoke about a director of the Social Department. Did he come under the jurisdiction of the plant manager?

A Yes, he was under the jurisdiction of the plant manager.

Q Then the plant manager had also the chief of the Social Department for his assistant in his social work apart from the Labor Front?

A That is right.

Q Do you know witness, whether the client that I represent, Dr. Ambros, was ever a plant manager in any of Farben's plants?

A As far as I know, he was not, not even in Ludwigshafen.

Q Witness, then may I point out a misunderstanding to you? You said, during your examination about Auschwitz: "I knew that the plant was directed by two excellent plant leaders. I only want to give you two names, Dr. Ambros,

one of our most able chemists, and Dr. Duerrfold, an excellent engineer."

May I ask you whether the expression you chose "plant manager", "plant leader" is correct?

A I believe the expression "plant manager" was to be understood in the old sense, not in the sense as was prevalent in the National Socialist government. And since apparently I am somewhat old-fashioned I come back to these old expressions every once in a while. Formerly a plant manager was the actual director of the plant; but according to the government law the plant manager now became the person who had to deal with the problems of the workers. And in the old sense, if I may use that expression, that is what I said, that Ambros was the plant manager.

Q Do I understand you correctly when you say "old sense" that you mean to construe that it should be understood that the plant manager was the creator of the plant?

A That is correct.

Q Witness, from your examination in chief I understood that the plant manager or the plant leader, according to this well-known law, this new order of the national labor, as it was called, was responsible for all questions arising in the plant? But I also understood from your examination that you were also responsible to a certain extent for some plants; is that correct?

A Yes.

Q Witness, if one was not a plant manager, and besides that, if this particular plant also was taken care of, so to speak, by your agency -- then the person in between was an additional agency or additional person who had no particular function to fulfill; is that correct?

A I cannot express it in that way. I understood Ambros's position to be that he was, so to speak, responsible to the Vorstand of Farben for the events or for the construction and the operation of the plant. That is the way it is to be understood.

Q In what respect?

A About the starting of the plant, the financial development, the dealing with various problems -- he had to make suggestions for the production. He had to direct the plant on a sound financial basis. That was in the hands of this particular member of the Vorstand.

Q Did he create this plant for chemical production?

A If I understood you correctly, do you mean to say that he was active in the technical field that he worked on chemicals? What do you mean?

Q We spoke about the creator of a plant a short while ago. By that I understand the person who has the idea how a plant is to be constructed for chemical production?

A That is particularly true for Ambros.

Q Witness, I have one further question to put to you. During your examination in chief you stated that Dr. Ambros one time approached you in regard to Schkopau because he needed assistance at the construction site. May I ask you, do you remember when the Buna plant in Schkopau was built?

A The order for the construction of the Schkopau plant was given in 1936.

Q There were no foreign workers at that time in Germany?

A No, at no place were there any foreign workers.

Q So those were really German workers who worked at the construction site?

A Yes, that is correct.

Q Witness, in your direct examination you answered the question of my colleague Dr. Boettcher by saying... The question was whether you developed any initiative for the employment of concentration camp inmates in Auschwitz, and you said that you did not take any initiative in this.

A Yes.

Q May I ask you whether Dr. Ambros took any initiative in this direction?

A He did not take any initiative in this direction.

Q Witness, I shall now turn to one of your affidavits, that is the affidavit in Document Book 68, Exhibit 1332, NI-6060. Might I ask you to be kind enough to look at page 2 of the affidavit?

A I don't have it.

Q I will hand it to you. (Hands document to witness.)

Q From this affidavit it can be seen that at one time you inspected the Gendorf Plant.

A Yes.

Q You state here - you say something about gases which irritated the workers in their noses and about a high rate of sickness, if I read this correctly. Can you tell me something about that -- what you actually noticed there.

A During my inspection visit I asked for the incidence of sickness already during the first discussion which usually takes place at the inspection of a plant. At that time I asked a question for which, apparently, Dr. Wittwer, the plant leader, was not prepared. I asked him "What is your rate of sickness on this present day?" I asked this question to get a picture of the health conditions there. Dr. Wittwer gave me a rather high figure which astonished me. I could not get the documents about the sickness rate right away and later during a visit of Dr. Wittwer's at my office in Berlin I found out, with the aid of the lists that he submitted to me that the figure he had given me was wrong. He had given me a figure that was too high. During the interrogation I had to speak to the gentleman as to what caused such increases in sickness rates. We talked about sickness that was conditioned by the season, and colds, influenza epidemics, etc. And I had spoken about gases, although at that time Gendorf did not produce any gas, so there was no reason really to speak about it. Therefore I explained to the gentleman that gases do not have to be detrimental to health necessarily. I explained to him that certain gases, such as hydrochloric acid are actually used in medicine to a large extent so that the employment in a chemical factory does not have to be considered as detrimental to health. I believe that explanation was not reproduced in such a complete state as to give a clear picture and one might construe from what I said that gases played a detrimental part. I must say once more that the production of gases only started one or two years later, that is, after my inspection. When I inspected the plant, it was still

being constructed.

Q Professor Krauch, you did sign this affidavit, however, didn't you?

A Yes, I did. May I add that I signed it under the assumption that I should have an opportunity to explain what I meant and that opportunity was now given to me.

Q I should now like to discuss a document with you, Exhibit 1330, in Document Book 68. Do you have that in front of you?

A Yes, that is Document Book 68 that you gave me.

Q Would you kindly look at that document.

A May I ask you for the number once more?

Q NI 6062, Exhibit Number 1330. That is on page 128 of the German, Professor Krauch. Oh, excuse me, that is on page 122. In this affidavit there is Paragraph 4 of interest.

A Yes.

Q And the second sentence begins, I quote, "I know, for instance, that a certain gentleman, Titus, who collaborated with Dr. Otto Ambros, was negotiating in France for recruiting French labor for the Ludwigshafen plant." May I ask you to what extent did Herr Titus collaborate with Dr. Ambros?

A Dr. Titus came from the Oppau Plant where Ambros had been working previously. Ambros later was transferred to Ludwigshafen where he became one of the directors.

Q Did this Mr. Titus actually collaborate with Dr. Ambros in the question of procuring French labor for Ludwigshafen Plant?

A Dr. Titus was active in the recruitment of French workers who, in the main, went to Ludwigshafen later. For that purpose he had connections with the labor office in Paris -- that was the gentleman that had to procure the French workers for Germany.

Q I am still not quite clear about that. Did you have anything to do with Herr Titus?

A Titus was, to a certain extent, the delegate of the Plenipotentiary

General for Chemistry, just like Dr. Handloser and I forgot yesterday to mention Dr. Titus' name -- Dr. Titus had to mediate between the French firm and the plant concerned.

Q Professor Krauch, then according to what you have told me so far the only relation between Herr Titus and Dr. Ambros was that they knew each other at one time in the past, not more.

A Yes, that is probably true.

Q Then Herr Titus had nothing to do with Ambros in respect to recruiting and procuring workers.

A I believe that Ambros needed workers in Ludwigshafen too. Then there may have been some relation, but I cannot judge the extent of this relation. I assumed at the time that that was so. The conversations I had with Ambros in the meantime have taught me differently -- that the relations and the conditions were somewhat different.

Q Professor Krauch, I have to deal with another affidavit of yours. That is Document NI 2972, Exhibit Number 481, in Book 12. Do you have that in front of you?

A No, I do not.

Q Then may I hand it to you, Professor Krauch, this is Number 5. If you would be kind enough to look at it. You speak about workers who came to Germany as a result of the Francolor agreement and on the next page of the document, if you would be kind enough to look at it, you speak about other workers who, according to your observations, as it says in your affidavit, were freezing and were starving, is that correct?

A I said the workers were tired, hungry, cold and insufficiently clothed, that is what I said.

Q I am not quite clear. Do you refer to workers who had come from the Francolor firm or is that an impression that you gained at another time or from other workers.

A The remark I made here referred in no way to the Francolor workers. The Francolor workers were escorted to Ludwigshafen under

exemplary conditions. If I remember well the workers I mentioned in my affidavit were destined for work in the East. They had nothing to do with Farben and the conditions described by me were the reason why I instituted the arrangement of train escorts that were appointed by the plants in order to see to it that such conditions did not arise again.

Q Professor Krauch, in the same affidavit please look at Number 6. If I remember correctly you speak about the fact that you watched prisoners-of-war at work in Gendorf.

A Yes, I saw that.

Q First of all I want to ask you of what nationality were these prisoners-of-war?

A I no longer remember that. Ambros told me in the meantime that they were Frenchmen. But in Hxydebreck I saw Englishmen. I know that for certain, because it impressed me greatly at the time.

Q Professor Krauch, what did these French prisoners-of-war work at when you saw them in Gendorf?

A As I said previously the plant was still under construction so that they could not have done anything but construction work.

Q I now turn to another document. This is Document NI 5687, Exhibit 438, in Document Book 20. This is the draft which allegedly originates with my client, Ambros, which is, however, not signed and which I don't have to submit to you once more. Or do you want to see it?

A No, you don't have to show it to me. I know what you mean.

Q In your examination-in-chief you expressed your opinion about it and you said that you had not known this draft.

A I did not know the draft as such, but the ideas which Ambros developed in it were known to me.

Q Were they accessible to everybody as general ideas or were they quite remote and had the protection of patents?

A I believe that Ambros states sufficiently clearly in this draft

that these were ideas that were well known in other countries too.

He is referring to the British Ministry of Defense and similar organizations. He mentioned examples here which were quite generally customary abroad and he certainly can not claim any patent for that.

Q I want to disregard the foreign countries completely. I am not interested in them. I want to know whether these ideas were a matter of course in view of the developments in Germany.

A Yes, not only with other firms but also with the agencies themselves who felt that this mix-up and confusion in the organization should be settled and arranged.

PRESIDENT: Dr. Hoffmann, how nearly through are you? Do you wish to conclude before lunch or shall we recess?

DR. HOFFMANN: I should like to ask you for a recess.

PRESIDENT: Very well, the Tribunal will rise until 1:30.

(The Tribunal then recessed until 1330.)

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 16 January 1948)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: The defense may proceed.

DR. BOETTCHER: Mr. President, may I ask for your permission to make a brief explanation of the cross-examination of the witnesses still to be examined?

THE PRESIDENT: Yes, surely.

DR. BOETTCHER: The names of Dr. Johan and Dr. Rottenberg in Vienna are among the witnesses still to be cross-examined. These two witnesses are the most important Prosecution witnesses for plundering in Austria. The Prosecution has announced that Dr. Rottenberg is sick and Dr. Johan is not willing to come to Germany. Since these two men are the key witnesses for Count 2 in Austria, the defense cannot have recourse to questionnaires. Now, it has come to our attention that in Case 11, the Tribunal, with representatives of Prosecution and Defense, is to go to Vienna in the very near future in order to examine witnesses there. The suggestion which I take the liberty of making is, could the Tribunal perhaps consider making such a trip to Vienna with representatives of the Prosecution and Defense together with the members of Case 11, or, could it take advantage of this trip made in Case 11 to arrange a similar trip to Vienna in the near future for the examination of Johan and Rottenberg?

THE PRESIDENT: That involves a consideration of a good many matters including those of an administrative character to which we alluded this morning. We shall be very glad, Dr. Boettcher, to give consideration to that problem and to try to work out something to preserve as fully as we can the unrestricted and unlimited right of cross-examination. If it can be done in the light of the problems of travel and similar problems, we shall give consideration to it and perhaps Monday some time it might be well to have an informal conversation in chambers with representatives of your staff and the Prosecution to see what we might

possibly work out. Thank you for the suggestion. Will the Prosecution please take note of these observations and also give some consideration to it and be in a position to offer whatever helpful suggestions you can when we do get together on Monday Dr. Hoffmann.

(CARL KRAUCH resumed)

DIRECT EXAMINATION (continued)

BY DR. HOFFMANN: (for the defendant Ambros):

Q Mr. President, I have no further questions for the defendant Dr. Ambros. I have a few questions for the defendant von der Heyde but I should prefer to ask them later at his turn.

THE PRESIDENT: Very well

BY DR. SCHUBERT: (Counsel for the defendant Ernst Buergin)

Q Professor, in what field was Dr. Buergin an specialist?

A In the field of inorganics.

Q Can you specify the field?

A He was in charge of a plant where light metals were produced, chlorine, sulphuric acid, and so forth.

Q In your examination by your counsel you discussed an Exhibit 475 for the Prosecution which is a list of the specialists, the so-called "Fachbeauftragten" of the G.B. Chem as of 1 April 1943. This list includes Dr. Buergin as specialist for chlorine and caustic soda plants. Do you recall, Professor, for what questions Dr. Buergin was first called upon by you for assistance under the Four Year Plan?

A That was probably after Buergin was put in charge of Bitterfeld after Dr. Pistor had left.

Q Do you recall that chlorine statistics were set up at that time?

A Yes, that is correct.

Q Is it correct that Dr. Buergin merely drew up a questionnaire?

A I don't remember exactly but that was probably the sort of thing that it was.

Q Subsequently, in the field of chlorine, for which Dr. Buergin was competent, did you request primarily statistical material?

A Yes, that is correct.

Q Did you employ Dr. Buergin himself primarily or some associate of his?

A Less himself than his associate, Dr. Vorlaender, one of his chemists who did the work at that time.

Q Can you remember, Professor, whether and how often you consulted Dr. Buergin in Berlin on chlorine questions?

A Probably very rarely, I imagine. Two or three times.

Q In these points which have just been discussed, did that exhaust Dr. Buergin's help which he gave you under the Four Year Plan?

A That was his primary assistance.

Q Is it then correct if I sum up your testimony as follows. That he helped you only on fairly rare occasions at your express request?

A That is true. Exactly in the case of all honorary associates whom I had in office.

Q Thank you. No further questions.

BY DR. VON KELLER (Counsel for the Defendant von Schnitzler)

Q Witness, I refer to your affidavit NI 6120, Exhibit 338 in document book 12, German page 161. Professor, this morning in answer to the questions of my colleague, Dr. von Metzler, you commented on your knowledge regarding the commercial committee and, if I am correctly informed, you stated that the information you gave was based primarily on assumptions and conclusions and that you yourself never attended a meeting of the commercial committee.

A That is correct.

Q I must ask you for information on one specific question. In Paragraph 6 of this affidavit you write "These requirements were based upon needs indicated by the commercial and sales people." May I ask you what evidence you have for this statement?

A No evidence. I just knew that according to custom in normal times, that is before this time during which I was no longer active in Farben.

Q. Weren't there other committees responsible for giving this information production?

A. Doubtless; primarily the Commission of Service Combines worked out these figures and passed them on to the plants.

Q. Weren't the Chemical or the Dyestuffs Committees responsible for working out these figures?

A. Those are the Committees I was just talking about, the Service Commission, but the other committees that you just mentioned were especially active in this.

Q. Do you know the charter of the Sales Combine; to what extent was there any collaboration with the Chemical Committee and the Dyestuffs Committee?

A. I do not know very much about the charter. I can just imagine what it was.

Q. Do you know anything about the foundation of the Commercial Committee?

A. No.

DR. VON KELLER: No further questions.

DIRECT EXAMINATION

PROFESSOR KRAUCH

BY DR. HEINTZELER, counsel for defendant Hurster:

Mr. President, I have only a very few, very brief questions.

Q. Dr. Krauch, in Exhibit 338, Document Book 12, you say that the Ludwigshafen-Opau Plant was under the direction of Hurster, Mueller-Konradi and Ambros, and that all of these three gentlemen were in this position from 1934 or '35 on. Did you not make a mistake in the date, Professor?

Is it true that up to the first of January, '38, the Vorstand members in Ludwigshafen were Dr. Gaus and Dr. Seidel, who managed the plant?

A. It is very possible that I made a mistake there. I know that Dr. Gaus was active until 1938; he was actually the manager of the plant;

the Ludwigshafen plant was under Dr. Otto Seidel, who retired shortly after that time; that is right.

Q. Is the same true regarding the time when Dr. Wurster became manager in the sense of the Labor Law?

A. That is true, yes.

Q. In the same affidavit you make some statements regarding the limitation of authority, and the internal organization of the Ludwigshafen Oppau plant. Perhaps I need not ask any detailed questions if I clarify the following thing.

Did you, yourself, after the first of January 1936, have any active part in the management of the Ludwigshafen-Oppau plant?

A. As I have said several times, from 1936 on, I had nothing more to do with the management of the plant.

Q. Then I can assume that these statements which you made in Exhibit 38, for the internal organization of Ludwigshafen-Oppau, are not based on your own direct observations?

A. Yes, that is correct.

Q. Then I have only some very brief questions referring to the notes which Dr. Wurster made on the trip in October '39 to which he was invited by Dr. Poland; that is the trip to Poland. This is Exhibit 1134, Document book 55.

If I remember correctly, you said in your direct examination that you saw these notes for the first time here in Nurnberg; is that correct?

A. Yes, that is correct.

Q. And as I recall, you also testified that you did not know that any official measures resulted from this trip; is that also correct?

A. Yes, that is also correct.

Q. Now the Prosecution, in offering the notes in evidence as Exhibit 1134, said that this trip was, I quote, "a typical collaboration between the office of the defendant Krauch, and I.G. Farben." End of quote. And I ask you, did Dr. Poland, who was appointed by the Reich Ministry of Economics, for the trip to Poland, ever have anything to do

with the I.G. Farben at any time?

A. No, he had nothing to do with Farben; he was a State official.

Q. Did you personally order that Dr. Wurster accompany Dr. Poland on this trip, or did Dr. Poland himself ask Dr. Wurster to accompany him?

A. The latter is the case.

Q. Did you know at the time that Dr. Wurster was going along on the trip?

A. No, I cannot remember; I knew only that Dr. Poland was going.

Q. Do you know of even the most remote connection between this trip on which Dr. Wurster accompanied Dr. Poland and the facts alleged by the indictment under Count 2 as Plunder and spoliation in Poland?

A. I did not hear of any conclusions drawn from this trip.

Q. Can you confirm that other government officials too, at approximately the same time, asked German industrial experts to accompany them as technical advisers on such trips to Poland?

A. Yes, I know of cases in the textile industry, merely to give an example.

DR. WEINTZLER: Thank you. No further questions.

DIRECT EXAMINATION

PROFESSOR KRAUCH

BY DR. DUERR, (Counsel for the defendant Gattineau):

Q. Professor, in answer to the question of your counsel in direct examination, as to whether in your discussions with Feder, you dealt with the gasoline negotiations of November, '32, you answered "Yes". Now it is not quite clear to me; by the gasoline negotiations, did you mean the visit which Dr. Buetefisch and Dr. Gattineau made in November 1932, to Hitler, for the purpose of obtaining information, or did you mean the negotiations about a gasoline contract with the Bruening and Papen Governments in 1932?

A. In the discussions with State Secretary Feder, no mention was made of Gattineau's visit to Hitler in '32. What I meant by my remark

with the I.G. Farben at any time?

A. No, he had nothing to do with Farben; he was a State official.

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A. Yes, I know of cases in the textile industry, merely to give an example.

DR. MEINTZELER: Thank you. No further questions.

DIRECT EXAMINATION

PROFESSOR KRAUCH

BY DR. DUERR, (Counsel for the defendant Gattineau):

Q. Professor, in answer to the question of your counsel in direct examination, as to whether in your discussions with Feder, you dealt with the gasoline negotiations of November, '32, you answered "Yes". Now it is not quite clear to me; by the gasoline negotiations, did you mean the visit which Dr. Bueteffisch and Dr. Gattineau made in November 1932, to Hitler, for the purpose of obtaining information, or did you mean the negotiations about a gasoline contract with the Bruening and Papen Governments in 1932?

A. In the discussions with State Secretary Feder, no mention was made of Gattineau's visit to Hitler in '32. What I meant by my remark

was negotiations in the Ministry of Economics in 1932 with Ministerialrat Hubert regarding a turnover guarantee, or rather cost price calculations, which was planned at the time, but which was never carried out, because there was a change of government in the meantime.

Q. In your interrogation which was submitted as Prosecution Document III 6767, Exhibit 30, Document Book 3, page 61, when asked by the Prosecution whether you thought Bueteufisch and Gattineau, in the fall of 1932, were sent to Hitler by Bosch, you answered that you did not believe that. Do you have any concrete reasons for this belief?

A. No, I have no concrete reasons. I have heard in the meantime that the gentlemen talked to Bosch about it, or that they went to this meeting at Bosch's request, and I have no reason to doubt that that is correct.

Q. What were the reasons for this visit?

A. Bosch wanted to answer the attacks in the National Socialist paper "Voelkischer Beobachter", and the purpose was to ask Hitler to have these attacks stopped.

Q. At that time, that is, at the end of 1932, did you have anything to do with the question of gasoline?

A. As head of Sparte I I had quite a great deal to do with gasoline.

Q. Then you would have had to know if Dr. Bueteufisch and Dr. Gattineau had had an order to reach an agreement for Farben with Hitler, as the Prosecution alleges?

A. That is correct.

Q. Was this the case; was it the case that any agreements were to be reached; that these two gentlemen had such an order?

A. I said that that was not the case.

Q. So far as you know was Dr. Gattineau a Prokurist at that time, or was he authorized to sign as a Handlungsbevollmachteter?

A. So far as I know he had no rank in the organization of I.G. Farbenindustrie yet.

Q. So far as you know was Dr. Buetevisch a member of the Vorstand at that time?

A. Buetevisch was not a member of the Vorstand.

Q. Then could these two men obligate Farben in any way, or enter upon any obligations for Farben?

A. No, they could not.

Q. You say in your testimony that Dr. Buetevisch and Dr. Gattineau reported to you about this visit to Hitler. Did they tell you anything about any agreement?

A. No, nothing.

Q. What did they tell you?

A. I was told that Hitler had been informed in general outline about the meaning of this process, and that in view of the economic significance of this process he was asked to exert his influence to see that the attacks made by the press on synthetic gasoline should be stopped. This was a step which was taken quite generally at that time.

At the request of Dr. Bosch, I myself had talked to the editors of big trade papers like the Frankfurter Zeitung, and Koelnische Zeitung, and that was a step which was quite familiar to me.

Q. The Prosecution contends that on the basis of this discussion a protective tariff for gasoline was introduced. Again the Prosecution contends that as a result of this discussion the protective tariff for gasoline was increased. What do you have to say about that?

A. The negotiations about the raising of the tariff on gasoline took place much earlier, so far as I recall. I myself took part in these negotiations. They were carried out with the government. I believe that Hitler had no influence whatever on tariffs. He was only a member of a Party and had nothing to do with the Government at that time.

A. Then I should like to refer to the Keppler affidavit. That is Prosecution Exhibit 59, NI 6766, Document book 3, page 150 in the German, and 127 in the English. This document says that Bosch reluctantly made his formal visit to Hitler. Do you recall approximately when this visit

was?

A. Yes.

Q. Did Bosch tell you about this visit?

A. He told me quite a bit about this visit.

Q. Did Bosch tell you that he discussed the gasoline program with Hitler on this occasion, basing himself on the preliminary work done by Bustefisch and Guttineru, as the Prosecution contends?

A. I am sure that Bosch had no occasion to come back to this previous discussion.

Q. What was discussed at this meeting so far as you know?

A. The visit was preceded by Hitler's idea to create a general council of industry to advise him, an idea which industry considered very sensible at the time. It was generally believed that Hitler would allow himself to be influenced by the outstanding members of industry in economic questions. Among these industrial leaders there was, of course, Professor Bosch.

Before Hitler appointed these gentlemen to the General Council, he had some of the men whom he did not know, that included Professor Bosch, called in so that he could get acquainted with them.

This talk took place in 1933. Hitler's Deputy Rudolf Hess was also present. I talked to Bosch before the meeting, and I talked to him after the meeting. I was waiting for him in the Hotel Adlon. Bosch who had obviously welcomed the idea that Hitler wanted collaboration from industry, was very happy to go to this meeting, as I could observe on the evening before.

I met him when he came back from the Reich Chancellery. Bosch was very much depressed after this meeting with Hitler. He told me that he had talked to Hitler as if he was talking to a wall; that he had the impression that Hitler had no understanding for what he had to say.

Q. Did Bosch or Farben receive any promises at this meeting, which perhaps occasioned Farben initiate a program for the extension of the Leuna plant, as has been alleged?

A. The expansion of the Leuna plant was not mentioned at this meeting.

Q. Now a final subject. What was the occasion for Professor Bosch when in September, 1932, in the Central Committee, when he instigated creating the Wipo out of the Press Office and the Trade Political office under Dr. Gattineau?

A. Bosch wanted an office which was to establish contact, and which was to be available when government offices wanted information about trade political questions affecting Farben.

Q. Were any political considerations for Bosch contained in this action?

A. It may be that Bosch had had very good connections with the Bruening Government, which was still at the helm at that time; he might have been influenced by this idea, among other considerations.

Q. So far as you know did Dr. Gattineau ever held any high, responsible government position; any government post?

A. Gattineau never held such a post.

Q. The Prosecution contends, but does not prove it, that Dr. Gattineau brought Farben into contact with leading political persons. With what persons did Dr. Gattineau bring you into contact?

A. I cannot recall that Gattineau brought me into contact with any political person at all.

Q. The Prosecution also represents Gattineau as a leading political representative of Farben. Did he have any political duties?

A. Gattineau had no political duties. I believe that was in other hands.

DR. DUERR: Thank you. No further questions.

DIRECT EXAMINATION

PROFESSOR KPAUCH

BY DR. HOFFMANN, counsel for defendant von Der Heyde:

Q. Professor I am only generally interested in a certain question. In your previous examination you spoke of a search of your home at Heidelberg by officials of the SD. What sort of officials were they, Professor?

A. One Sunday I came home. I had been out with my wife and my children, and to my astonishment, I learned from our old housekeeper that in the meantime there had been a three hour search of my house, by the criminal police.

This housekeeper had been in the service of our family for 40 years, and had in all of that time never seen that I had had anything to do with the criminal police. She was, of course, quite excited.

I called up the criminal police. I discovered that they knew nothing about the matter. Then I called up an office of the SD, which I found in the address book. They referred me to a third office, and that was probably the Gestapo. I was not familiar with the details of its organization. I spoke in rather violent terms to the man who answered the telephone, and expressed my astonishment at such a proceeding. According to the description of my housekeeper there had been two men, whom just as well might have been high way robbers.

Q. Professor, did this office of the Gestapo that you called up, admit that it had sent officials to your house?

A. At first they did not admit it. They said they would inquire. The next day I was called up again, and I was told that this had been a rather hasty official. There had been a denuncia-

tion made to the Gestapo to the effect that I was in the possession of Anti-Nazi writings, and that was the reason for this search.

They apologized.

Q. Professor, then these were Gestapo agents?

A. Yes.

Q. Now I have one more question, Professor. Do you know my client, von der Heyde, at all?

A. I met him here in Nurnberg. He came from Ludwigshafen from the same plant where I come from, it is true. I remember on one occasion at a meeting regarding salaries, that his name was mentioned. The only thing I remember is that the person concerned on whose judgment I relied said that, "he is a decent fellow", but I know nothing else about him.

Q. You know nothing about his function or position?

A. No. I never had any personal contact with him.

THE PRESIDENT: Is there anything further, gentlemen of the Defense? I trust it is not necessary for the Tribunal to say that the remarks that were made this morning were not calculated to deny any proper examination and that you did not take that too seriously. We assume now that you have completed your examination of the witness.

The Prosecution may proceed with the cross-examination.

CROSS EXAMINATION

PROFESSOR KRAUCH

BY MR. DUBOIS:

Mr. President, Mr. Sprecher and I have divided this cross-examination by subject-matter.

THE PRESIDENT: All right.

MR. DUBOIS: He will follow me.

Q. Dr. Krauch you testified on direct examination that you had several points of disagreement with the Nazi Party, and you

specifically mentioned the attitude of the Party toward the Church and towards the Jews which you stated you disagreed with completely. Is that right?

A. That is correct.

Q. Now, during the 12-year period from 1933 to 1945, did you ever publicly express disagreement with this point of the Nazi Party program?

A. Yes, I have.

Q. Would you tell us when, please? When and the circumstances under which you expressed a disagreement publicly and what you said?

A. I shall give an example on the question of the church; something that happened during the war. I was present at a christening in church, and I heard on this occasion that a ruling of the Gauleiter of the District in question had been issued according to which in the country districts in this area, no church services could be held any longer. The Pastor performing the christening had informed me of this new ruling.

I investigated and discovered that this news was correct and that it was no longer possible in this country community for the population to have church services at a time when there were very heavy losses at the front.

I went directly to Goering on this question because it seemed to me to be of such very great importance. Goering said that he had a complete understanding for me, but unfortunately he was unable to do anything about it. Since these questions were under Reichsleiter Martin Bormann, he told me to turn to Reichsleiter Bormann. I knew that this visit to Martin Bormann was absolutely hopeless.

I therefore wrote a letter to Gauleiter Sprenger, that was the Gauleiter of this district. I told him that I considered this prohibition against church services much too strict.

I described two cases which I had investigated beforehand.

One was the case of a woman who had four small children whose husband had been killed in Russia, who had to travel about 2½ hours to go to the nearest city church where services were still being held, but she was not able to leave her children alone for that long.

I mentioned another case of old feeble peasants, whose only son had been killed in the East, who could not possibly go to church, and who needed some consolation in their bereavement. I wrote to the Gauleiter that I was very much opposed to this unnecessary hardship, and that I would go to the highest authority to try to have it repealed.

The Gaulteier informed me immediately that before I undertook such a step he would like to have the question investigated and he would inform me of further developments. After a short time, I received a letter from the Gaulteier saying that he had convinced himself of the correctness of what I had told him and had given instructions that, at all the places in the country districts where services had been held previously, it should be permitted again and this was done until the end of the war, so that the pastors came to me later and told me how grateful they were.

Q. I may not have made myself quite clear, Dr. Brauch. I wasn't speaking specifically of representations you may have made to individuals, but whether you ever publicly disagreed, expressed disagreement with the points of the Nazi Party program relating to the church and to the Jews. Whether you ever made a speech, public speech, or a public writing of any sort that would come to the attention of the public generally.

A. I do not believe that that was the way to oppose such matters at that time. A writing would not have been published, it would have been confiscated at once. I believe the method of picking out individual cases and making it clear to the government what one thought was the correct way. It was not my way to make big public speeches. I never did that, and I don't believe that would have brought about any improvement. I always tried to take up individual cases that came to my attention and follow them up and got results in that way in the interest of the people who were being attacked.

Q. Now, you testified, I believe, that there were still other points of disagreement between yourself and the Party, is that right?

A. You mean, Mr. Dubois, the Jewish question?

Q. No. I believe you testified that there were other points of disagreement between yourself and the Party. To be specific, let's put it this way. Can you tell the Tribunal which were the chief points of the Nazi Party program with which you disagreed?

A. One very important point with which I did not agree at all was the taking over of industry by the Party, and I believe that was the reason that Professor Bosch sent me to the Four Year Plan, to prevent

dilettants from the Party interfering with industry and taking away industry's initiative and independence.

Q. Well, let's be specific. You will recall, for example, the first point of the Nazi Party program which reads:

"We demand the unification of all Germans in the Greater Germany on the basis of the right of self-determination of peoples."

I can show you a copy of the program if you like.

If you will read that first point.

Now, did you agree with this point?

A. "We demand the inclusion of all Germans in Greater Germany on the basis of the self-determination of people."

I agreed with this point as far as Austria was concerned. Austria had been part of the German Reich before. It was one big Reich, and I thought it right that Austria become part of the German Reich. I was not thinking of all Germans, because there were Germans throughout the world, even in America and other continents. I would have considered it wrong to include those Germans under this paragraph 1.

Q. Well, did you believe that Germany had a right to invade Austria on the basis of this principle?

A. No, that is not what I meant to say. I would have left that to the will of Austria - to a free decision of Austria. If Austria expressed the wish to be incorporated in Germany and to become part of Germany, I would have considered it justified. I certainly would never advocate other people, even if they were of German nationality, being incorporated in the German Reich against their will.

Q. Now, the second point of the program, if you will look at it:

"We demand equal rights of the German people with respect to other nations, and the abrogation of the peace treaties of Versailles and St. Germain."

A. I believe that was the wish of every German patriot to have equal rights with other nations of the world; that hardships imposed by the Versailles Treaty be eliminated in reasonable discussion with former

friends to make collaboration by peaceful means with other nations possible.

Q. Now, point 3 of the program:

"We demand land and territories (colonies) for the existence of our people and colonization by our surplus population."

I am about to ask the question whether or not you agree with this point.

DR. SCETTER: Your Honors, I am wondering what the purpose of going through the Party program has to do with the various counts of the Indictment. We have de-Nazification courts in Germany for former Party members, and up to this time I have been of the opinion that this Court has nothing to do with de-Nazification but is concerned only with criminal charges arising from the period after 1939.

MR. DUBOIS: It isn't the plan to go through every point in the Nazi program. I think that the relation of the particular points that have been mentioned here is pretty obvious to the issues involved and, as a matter of fact, this third point is the last one I intend to question Dr. Krauch about.

THE PRESIDENT: The Tribunal is of the opinion that the question asked of the witness by counsel for the defense in the examination in chief -- in substance, whether or not he agreed with the Nazi program -- would justify this cross examination. That's answering the question on a technical and legal basis. However, I think I can speak for the Tribunal when I say that to pursue this inquiry too far would certainly not be very helpful so far as the issues in this case are concerned. I make that in view of the fact that the Prosecution has already indicated an intention not to pursue it too far.

The objection is overruled.

BY MR. DUBOIS:

Q. The last point was whether or not you agreed with this third point of the program?

A. It is generally known that, before the first World War, Germany had colonies. By provision of the Versailles Treaty, these colonies had

been taken away. I believe every German could understand the wish to regain possession of these colonies, and I remember very well the comments of the foreign press at the time that this wish of the German people was justified, but the foreign countries said at that time: "We need time until we find the proper conditions for fulfilling this wish of the German people." I believe that even other countries did understand this point 3 of the Party program.

Q. You may recall that in Mein Kampf Hitler said that what was needed was not colonies in Africa, but more space in Europe. Is that what you are referring to by "colonies"?

A. When I say colonies I mean the old colonial possessions of the German Reich.

Q. Well, how did you expect Germany would get these colonies back?

A. By peaceful agreement with England essentially because England was in possession of these colonies.

been taken away. I believe every German could understand the wish to regain possession of these colonies, and I remember very well the comments of the foreign press at the time that this wish of the German people was justified, but the foreign countries said at that time: "We need time until we find the proper conditions for fulfilling this wish of the German people." I believe that even other countries did understand this point 3 of the Party program.

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A. When I say colonies I mean the old colonial possessions of the German Reich.

Q. Well, how did you expect Germany would get these colonies back?

A. By peaceful agreement with England essentially because England was in possession of these colonies.

Q Now, in your testimony yesterday, Dr. Krauch, in describing the setting up of the Raw Materials and Currency staff in April, 1936, you said, I believe, that this was motivated by the urgent necessity for more food and the lack of foreign exchange with which to purchase food from abroad, is that right?

A I beg your pardon. I didn't understand your question. Could it be repeated in German?

Q Well, let me repeat it. In your testimony in describing the setting up of the Raw Materials and Currency staff in April, 1936, you said, I believe, that this was motivated by the urgent necessity for more food and the lack of foreign exchange with which to purchase food from abroad, is that right?

A You're speaking of the creation of the Raw Materials and Foreign Exchange Staff, is that what you mean?

Q That's right.

A That was one of the reasons for the decision to establish this organization. In the field of foreign exchange there was a great scarcity. Foreign exchange was more necessary than ever at just this time because there had been a series of poor harvests and the supplies of grain had been used up, so that a famine was to be feared in Germany.

Q Well, have you read the minutes of the meeting of the Experts' Committee on Raw Materials questions held on 25 May 1936, with Goering, Koerner, Schacht, the defendant Schmitz, and Colonel Loeb present? This was introduced as one of the Prosecution's exhibits, #400. We have a copy of it here which will refresh your recollection. This is Exhibit 400. It's in Document Book 19, English page 1 and German Book 24, page 1. I'm sorry. Now, I call your attention particularly..... Have you read that document?

A It is a very long document. I am sure I read it at the time, but I don't remember it so well that I could answer any question about it.

Q Well, let me call your attention now particularly to items 17, 19 and 28. You will notice in the first item on page 17 Goering

emphasizes: "That in the A Case we would not, under certain circumstances, get a drop of oil from abroad and with the thorough motorization of the army and navy the whole problem of conducting a war depends on this. All preparations must be made for the A Case so that the supply of the war time army is safeguarded."

And, turning over to the next item which we marked, on page 19, Goering indicates: "Serious import reductions" I'm sorry, the next page is page 23. The next item, that Goering indicates "Serious import reductions in the A case." Will you read that? And then he said: "Rubber is our weakest point." And then, on the next page, which is page 33 of the document you have, at the top: "All measures must be prepared in such a way that we will relieve our foreign exchange situation and are prepared in the event of war." Then again on the same page Goering says: "A program lasting several years is of no use for the Case A."

Now, in the light of those statements made at that time would you care, in any way, to change your views as to the purposes and functions of the Raw Materials and Currency Staff?

A I believe that this statement of Goering's, especially regarding oil and rubber, is true. Both were products which would be needed in the event of war. Without these products, the country would not be able to wage war. In this case, a defensive war. Other peoples held the same point of view. I will have to cite the military measures of the so-called Baruch Plan which is that substances which a country lacks - in that case, the United States - tin, zinc, rubber (the same rubber mentioned here) which has to be imported, should be stockpiled for a time two years. I believe if Germany had had the oil supply which the United States had, it would not have been necessary for Germany to speak about oil. Perhaps other countries would have come to Germany and would have asked for supplies for this eventuality. With rubber the situation was exactly the same as in the United States. I believe that these were measures of military economy under the idea of a defensive war which, of

course, was what the United States was thinking of, too.

Q Now, in October, 1936, you took a position in the Office of the Four Year Plan as head of the Department for German Raw Materials and Synthetics?

A No, that is not right. The office was called Reich Office for Raw Materials and Synthetics. There was no mention of war materials.

I beg your pardon.

Q There was a mistake. I didn't intend to say that. What I meant to say was German Raw Materials and Synthetics. Now, you testified, I believe, that the functions of this office were similar to those of the Raw Materials and Foreign Exchange Staff, is that right?

A That is correct.

Q You further testified that when you took over this department your first task was to set up a trade budget; your second task was to search for processes which could be extended to large scale production and that, generally, your functions were related to products that could be used in peace time or what you also described as commercial armament products, is that right?

A That is correct.

Q Now, is it your contention, Dr. Krauch, that all of your activities in the department of German Raw Materials and Synthetics beginning in the latter part of 1936 were related to products to be used in peace time?

A That is correct.

Q Now, did you consider the stockpiling of Toluene for explosive factories in that category?

A In exactly the same category, that was a product which was needed for military economy.

Q Well, my point is, did you consider the stockpiling of Toluene for explosive factories as being a function related to products to be used in peace time?

A Toluene was a product that was used for various purposes,

including war purposes. It has to be included in the category of so-called trade war products. I said in the direct examination that, according to figures from the United States for the eventuality of war, 700,000 different items are needed. Of the 700,000 items, over half are such trade war articles. That is to say, they are not used only in war, but also in peace. That includes Buna, oil, etc. This includes Toluene.

Q Well, I think we can get more directly to the point, Dr. Krauch, if I show you now Prosecution Exhibit 44B. It appears in Book 21, English page 12, and ask you to read paragraph 5. You will notice that says that: "The former office for German Raw Materials and Synthetics has, at my request, as far back as the end of 1935 repeatedly directed the attention of the Wehrmacht to the urgent necessity of stockpiling. Already at that time, for example, I requested that considerable quantities of Toluene be stocked for existing explosive factories. Measures taken to increase the production of Toluene had then had the result that producers could not dispose of their products to the explosive factories as the latter had no orders for manufacture. Finally, the increased production had again to be cancelled because their warehouses were over full and arrangements had not been made at the right time to provide tanks for stockpiling. The same is true of Diglycol and Oxol as a preliminary product for mustard gas where the few plants that existed were only put to work for stockpiling, on my insistence, in March or April of 1937, or indeed were partly only then made capable of producing."

Now, would you like to comment on that in the light of what you have just testified to?

A The military authorities at that time wanted a so-called stand-by plant setup for all these products that you have just mentioned, so that in case the supply was consumed, which would happen in the event of war, they would have the opportunity to produce. It was customary, in addition to the usual production of toluol by coaking to produce it synthetically. This method did not seem sound to me, so I suggested that toluol be stock-piled, as it was necessary to produce toluol in large quantities in the event of war. It was seen that after the outbreak of war a large scale plant for the production of toluol from benzol and methanol was started, and, because of lack of experience, it took years before this factory actually went into operation. In order to prevent inefficient processes, as were demanded by the military administration, it was suggested that toluol be stock-piled. I always thought that this toluol would be used for the peace-time economy too. If I had been thinking only of war I would have had to insist that the finished explosive--that is, the TNT--be produced from this toluol, which would then be ready for the event of war. That was my attitude. The same thing applies to Diglycol, which can also be used for several purposes--for peace-time purposes and as a war article. Here, again, I considered it better under the circumstances prevailing at the time to stock-pile this product too, so that it could not be used for peace-time purposes at any time, or if there should be a war, it could be used for war purposes. Since, in my opinion, there was no prospect of war the method which I suggested was the correct one.

Q Now, in your testimony you spoke of the construction of the Westwall as an urgent project, requiring a great deal of building materials as interfering to some extent with the Karinhall plan, and you declared the Westwall as having been constructed for defensive purposes. Now, in what sense do you consider the construction of the Westwall for defensive purposes?

A It was intended for the event of war that an attack might be made on Germany from the West. Here in the West were the industrial

centers of the German Reich; and it was quite in line with the idea of defense for a wall to be built here to protect these industrial areas. A similar measure had been taken by the French. Immediately after the First World War they built the Maginot Line against an attack from Germany. The Westwall is approximately equal to the Maginot Line as far as its defensive capacity is concerned.

Q Well, now, you recall that you had testified that in the speeches of Goering and Hitler in December 1936, they stressed the danger of invasion from the East and discussed precautionary measures to be taken now, in the light of this. How did you reconcile, in your own mind, the fact that a Westwall was erected for what you describe "for defensive purposes" and that no comparable wall was erected in the East?

A Germany, in the First World War, had experienced the enormous consequences of a two-front war. I am not a military man, and I cannot judge the thought processes of the General Staff; I can speak only as a layman. But it is possible that it was considered that in the East the terrain was not quite so suitable for the construction of such a wall. As far as I know, and I know very little about the matter, mountains, rivers, etc. are necessary on which the defense can be based. Perhaps the situation was not so good in the East as in the West. Perhaps the General Staff intended to rely on pure defense in the West, similar to that of the First World War, and to have mobile warfare in the East--a different type of defense.

Q Now, in discussing your conference with Goering in June 1938 you spoke, I believe, of a conference which Bosch had had with General von Brauchitsch and General Beck, who had advised Bosch that they feared that the Nazi foreign policy would lead to war, and you described Bosch's attitude that a war would be untenable from the point of view of the Germany economy. Is that right?

A Yes, that is correct.

Q To your knowledge did Bosch ever express this attitude to other officials of Farben?

A I cannot say that with certainty. At that time, in view of my position, I had no regular contact with other members of the Vorstand. I can only say that Brauchitsch--that is, General Fieldmarshal von Brauchitsch--remembers that conversation very well; and General Beck, who lost his life in connection with the 20th of July event, is no longer available as a witness.

Q Now, you mentioned, I believe, that the Government instructed the Kaiser Wilhelm Institute not to give you any information about the experiments on the atom bomb. Can you tell us about when the Government gave these instructions?

A I believe it was generally known--I have heard that from several sources. As far as I know Speer and his associates knew it. I believe Schiebar, who was here yesterday, was also informed.

Q My question was could you tell us about when--about what time--the Government gave these instructions.

A Those instructions were given after the Kaiser Wilhelm Institute had, for the first time, told the Government the importance of the experiments and their significance in perhaps changing the course of the war. It might have been 1942 or 1943. The experiments, including the destruction of the atom, had taken place earlier, but the idea that the destruction of the atom might be used for war purposes, for the purposes of destruction, I believe, came up later, after scientists had dealt with the problem further, and only when this problem of application to war purposes arose the Government, which now learned about the experiments made this commitment, although I, as a scientist, had heard about the experiments earlier.

Q Now, in your testimony you mentioned a building, in 1935, of a hydrogenation plant in Billingham, England by the I.C.I., after consultation between experts of the I.C.I. and the I.G. You also referred, I believe, to the fact that there were similar consultations in the field of nitrogen. Is that right?

A That is correct.

Q Now, could this synthetic gasoline factory in Billingham be compared in importance with I.G. Farben's Launa plant, which not only produced synthetic gasoline, but also produced synthetic nitrogen?

A As far as I know synthetic nitrogen was also produced in Billingham, so that the importance of the Billingham plant can be compared with the Launa plant.

Q Well, do you know that the Vermittlungsstelle-W advised the Wehrmacht about such things as the location of synthetic nitrogen plants in England, so that they could be put out of action in the event of war?

A I believe that that was done, yes, that the Vermittlungsstelle-W had the order from the OKW. If it learned that nitrogen plants or any oil plants, etc. were built abroad it was to give this information to the military authorities, the OKW. The reports on the building of nitrogen factories were taken from the newspapers, not by the Vermittlungsstelle-W, but by some other office. Among the documents I believe the newspapers, scientific journals, etc. are mentioned from which one could learn the situation of these plants.

Q Well, let me call your attention now, Dr. Krauch, to Prosecution Exhibit 922, in Document Book XLIX, English Page 115. If you'll look, this document, as you will see, is a letter from Diekmann of the Vermittlungsstelle-W, with a copy to you, addressed to the Military Economic Staff of the OKW, in May 1939. The last paragraph, you will see, reads:

"The two plants mentioned above (which refers to two nitrogen plants) the total productive capacity is from 60,000 to 100,000 tons of nitrogen per year, would, if the above statement of capacity is correct, probably be able to cover the entire requirements of preliminary nitrogen of the British plants for the production of highly concentrated nitric acid, even should the Billingham plant be put out of action."

Now, I gather from that, you have just said that the Billingham plant which is referred to here is the same plant, the construction of

which you said was celebrated in England in 1935. Is that right?

A The nitrogen plant had existed earlier at Billingham, I believe. The I.C.I. nitrogen factory was much older than the hydrogenation plant, and I believe that this information confirms what I said before, that the Wehrwirtschaftsstabsamt, the "Weh Amt" as we called it, was interested in learning how other countries were building stand-by plants for the event of war. Other countries had exactly the same interest, and I am almost certain that they were informed about German plants in the same way.

Q That's all I have. Mr. Sprecker will continue after the recess.

THE PRESIDENT: We'll take our recess before we resume.

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Gentleman, I am very sorry that circumstances over which we had no control made it necessary to extend our recess unduly, for which we humbly beg your pardon.

You may proceed, Mr. Prosecutor.

BY MR. SPRECHER:

Q Dr. Krauch, when you were in the United States you spoke the English language ordinarily, did you not?

A That is correct—but rather badly.

Q I am not going to try to interrogate you in English here today but I merely wanted confirmation of that. Do you recall being interrogated once in Nurnberg in the English language, once or twice, perhaps?

A Yes; that was at the beginning.

Q Do you remember at that time discussing quite briefly the way you acquired a general knowledge of developments within I.G. Farben after 1936, when you no longer attended regularly the Vorstand meetings of Farben?

A That was Mr. Taylor's interrogation when I spoke about these things.

Q And did you state then that you kept in touch with the main affairs of Farben at that time without attending the Vorstand meetings?

A At that time I said that I still kept a certain contact with various members of the Vorstand of Farben and that they were in particular those gentlemen who belonged to my Sparte, for we had to make a transition. I could no longer take care of the business of a Sparte chief so that Dr. Schneider and other people often discussed the measures they took, with me.

Q I would like to read you two questions and answers and then ask you whether or not that is still your testimony.

"Q But in general, Dr. Krauch, you did keep in touch with the affairs of I.G. Farben?"

"A. With the main affairs..."

"Q From 1938 on?"

"A Until the end."

Is that correct?

A Would you please be kind enough to repeat it again? I didn't quite understand it.

Q Dr. Krauch, I will show you my copy in the English language and then if you have any questions you indicate it to me please. (Document presented to witness.)

A I do not quite understand my own statement anymore. I say "from 1938 on until the end." Perhaps I wanted to say--and that was probably the result of my bad English that this misunderstanding occurred--from '36 to '38. From 1938 on, when the Sparte chief had already been appointed in the person of Dr. Schneider, it was no longer necessary to that extent.

Q Were you generally informed of the main expenditures or credit appropriations of the TEA, after 1938, after the time that you mentioned just now?

A That happened no longer.

Q You mentioned no information about the funds for which appropriations were made by Farben after 1938?

A I even went so far as to ask the office of Farben to send me no more records of the meetings after I found that the Gestapo searched my desks and my closets in my office almost regularly every night.

Q When did you tell the TEA bureau not to send you these reports?

A I cannot recall exactly when it was. I would have to make certain inquiries. But I cannot tell you exactly.

Q After those reports no longer came regularly to you, did you talk to some of the technical Vorstand members in the dock here solely about affairs of the G. B. Chem, or did you also talk about Farben affairs with them, insofar as one can distinguish between the two?

A I do not believe that I spoke about dyestuffs themselves, but about those things in which I was interested: Nitrogen, gasoline, and

Buna--such things.

Q Now, did the defendant Gattineau, among other Farben officials, report to you at the time concerning the steps and negotiations which led to the acquisition of the Skoda-Wetzlar factories in Austria?

A It is quite possible that Gattineau, who visited me as did other gentlemen, reported to me about this affair, but I no longer retain this in my memory because I did not take any action on the basis of this report.

Q As either G. B. Cham or, later, of the Reich Office for Economic Expansion, were you concerned with the production or the efficient exploitation of the chemical industries in the occupied countries?

A As Plenipotentiary General for Special Questions of Chemistry I had nothing to do with the production in the occupied countries, and for that reason I probably had also no interest to inform myself about the extent of production in the countries concerned, with the exception of nitrogen production, for the activation of whose plants I had intervened personally, as I testified two days ago under direct examination.

I remind you of my discussion with General von Falkenhausen. In this case I had almost every month's reports submitted to me about the production of every nitrogen factory; how much fertilizer nitrogen had been produced and why the production had, for instance, not been made at the proper time and had not reached the amount provided for in the program. That, I believe, was my activity.

Q Did your representatives in foreign countries restrict their report to you on the condition of chemical industry solely to nitrogen and to labor matters?

A These gentlemen also reported about the other conditions, and perhaps also about political questions, the sentiment of the population that I was interested in. These people also had other duties.

Q What kind of other duties, Dr. Krauch?

A Let me speak about the French people. There, they had the duties of buying foodstuffs that were not yet rationed, such as wine, flour,

and macaroni, for those people who had volunteered for service with the G. B. Chem plants in Germany.

Q Excuse me; I said apart and in addition to their duties in connection with manpower--what were their duties? I asked you what other duties there were.

A Otherwise they had no duties--only anything to do with the workers.

Q If there was to be a plant expansion in the chemical field in case the plant was to be built outside the frontiers of the old German Reich, before the occupation of Austria, did that take away from this chemical expansion your authority just because the expansion was to be beyond the frontiers of the old Reich?

A That is only partly true. After the occupation of the Sudetenland, for instance, a gasoline plant in Bruex was constructed and this lay outside of the old frontiers of the Reich. In Austria, too, a gasoline plant in Moosbierbaum was constructed. On the Drau, also, in Austria, clay and aluminum factories were also constructed which also contributed to the quota of the Plenipotentiary General for Chemistry.

Q Auschwitz itself, for example, was in that part of the world where Poland had been a country before Germany dissolved the country, was it not?

A Yes.

Q Of course we all know by now the total number and types of products which were to be made there. What was Dr. Poland's position in your office in Berlin?

A Dr. Poland was one of the expert consultants.

Q On what topics, Dr. Krauch?

A He was in charge of the department Inorganics, which in turn came under the jurisdiction of a main expert consultant by the name of Dr. Bauer.

MR. SPRECHER: If the President doesn't mind I would like to clear up at this time the main offices in the Krauch office, because I think it will save a number of questions later on. If you think that that would not be helpful I will keep right on going, but it strikes me that this is an example.

PRESIDENT: On your assurance that it will save time we will encourage it.

BY MR. SPRECHER:

Q Dr. Krauch, can you tell us your immediate deputy and your chief of staff in the main departments you had in Berlin and who was the head of each one of these staffs, mentioning, for example, the two men you just mentioned now.

A As I explained just now and also as I explained during yesterday's examination, I was also the provisional head of the Reich Office besides being Plenipotentiary General for Chemistry. As Plenipotentiary General, my deputy was Dr. Ritter. As the provisional chief of the Reich Office it was Dr. Bauer. As the provisional head of the Reich Office I was not able to do much work because of overburdening of work. So practically all negotiations which were conducted with government agencies were undertaken by Dr. Bauer. He only informed me about the decisions made in these negotiations. Another department which contained certain sub-sections of the Reich Office came under the jurisdiction of Dr. Engelruff. Under both these gentlemen there were a number of experts working. For instance, one expert for leather goods, for artificial synthetic fibers, for lacquer, for organics, for solvents. I believe this is enough.

Q I will come to some of the names a little later, then. Was Dr. Poland chosen by you for this trip to Poland upon the request of the Reich Ministry of Economics because he was an expert in the inorganics field? Or let me put it another way. Was the Polish chemical industry principally a chemical industry that had to do with inorganics?

A I believe not.

Q Why did you choose Poland then?

A That was a reason given to me by the Reich Ministry of Economics. The Ministry of Economics had inquired with my office whether there was anybody among my personnel who wore a uniform and who had the possibility to enter the so-called military occupied zone which was not possible to a civilian under the circumstances prevailing at the time. Dr. Poland was a reserve officer in the Air Force, Luftwaffe, and as such he was drafted.

Q Whether he was an officer in the Air Force or the Navy is not too interesting here, I believe. Doctor, perhaps if you can be a little more direct. Now, on the basis of your knowledge of the history of the Polish chemical industry from 1939 to 1945, and upon your recent reading of the recommendations in the report which Wurster sent to Buerger concerning the Polish chemical industry, do you agree that the measures taken by the German authority and German industry actually accomplished most of Wurster's recommendations?

A I can not judge that for I neither knew the recommendations nor did I know of the measures which might have been the result of these recommendations.

Q Now, concerning Conti, Continental Oil, you testified on Tuesday that Brockhaus and Ernst Rudolf Fischer were delegated to the managing board or Vorstand of Conti. In that connection you said that Dr. Fischer had left Farben and was a referent in the Ministry of Economics for oil questions. Who was paying Fischer in 1941. Do you know?

A I do not know that. I assume that he had received from the Ministry of Economics a salary according to his rank, but that he was in addition paid by other enterprises so that quite understandably he did not suffer any financial loss by this transfer. As far as I know, he did not get any remuneration from Farben.

Q Do you know whether or not he maintained his power of attorney to sign for Farben for sometime after 1941. I mean do you know or don't you know Doctor?

A I do not know.

Q Would you be surprised if the publications of Ilgner's office as

lets as 1943 showed that Ernst Rudolf Fischer still had the power to sign for Farben as a director?

A I can't answer that question simply because I do not know for certain when he entered the Ministry of Economics and when he was given the title of a Ministerial Dirigent. I do not believe that as long as he still retained his power of signing on authority that he could have become a state official, for that was important in my considerations too. In my case efforts were made to get me to work for the State, which I rejected quite energetically.

Q May we mark this next Exhibit in order.

PRESIDENT: Get the number on the record will you please.

MR. SPRECHER: Prosecution Exhibit 1839 for identification. The NI number is NI 1186. You see his own signature there?

A Yes.

Q What is the date of that document?

A The date of that document is June 1943.

Q Does it surprise you, Dr. Krauch, as you have perhaps seen already in this proceeding some documents after 1941, that is after Fischer was with Continental Oil, which talk of Fischer as Fischer of Farben?

A Yes, I knew, of course, that Fischer was a member in the Continental Oil from 1942 on.

Q I don't believe the question has exactly been answered, Doctor. I will repeat it. Did it surprise you when you noticed in some of the documents introduced here that Ernst Rudolf Fischer was referred to as Fischer of I.G. Farben, when he went to talk, for instance, as you will no doubt recall, about expanding the oil activity at Narva. Do you remember that?

A I was not particularly surprised, for I knew that Fischer had been with Farben formerly.

Q Do you know that the Reich Group Industry in its third edition mentions Fischer as being of I.G. Farben Industry and also as leader of the Economic Group for Industry? Does that surprise you?

A I didn't know that.

Q Now, would you look at Exhibit 1566, that is NI 8453, in document book 64, English page 39, German page 37. Now, that is after the invasion of Russia, 16 September 1941, and the commissar for the Ostland mentions in the first paragraph that Dr. Fischer from I.G. Farben came to see him about the yield of petroleum. Is that before Continental Oil, — before Fischer was in Continental Oil?

A First of all I have to say that this document speaks about a general director, Dr. Fischer from I.G. Farben, which position Fischer never held. The title was rather carelessly chosen so that I do not really know this title, "general director" is certainly wrong. I do not know whether he was still a member of Farben. He certainly was not a general director.

Q. Well he was what is called a director; is that right?

A. Yes, he was a director. He was not a member of the Vorstand; he was a director.

Q. Quite right, and Your Honors, I think we should make that distinction because with the American phraseology one could be confused.

Dr. Krauch now did it happen that Ambros, in connection with the question of what was to be done with the Buna plants in Russia, addressed himself to you in connection with the whole problem? That is to say, questions of being out of the Buna position, as it developed in Russia, and the possibilities of trying to establish Buna factories to augment production, sending Farben Buna experts there; your getting the travel authority in order to get these people into Russia, and so on? How did he happen to address you?

A. So far as I know during the negotiations with the Russian government, from 1939 on, when we had an economic agreement, between Germany and Russia, there were negotiations about the production of Buna, and a number of Russian technicians had come to Germany, had looked at the Buna factories and the experiments, and had taken their experiences to Russia. After the occupation of Russia, it was very much in the policy of the government to see that those Russia Buna factories would again be in operation, because we were short of this material. It is very possible that Ambros assumed that the Plenipotentiary General for Chemistry would be entrusted with reactivating these plants, and that he therefore wrote me a letter, or rather that he wrote me a letter after the area where these plants were constructed had become military operational area.

We soon found out, however, that the Plenipotentiary General for Chemistry was not entrusted with the operation of these plants in Russia, but that the Ministry of Economics and the Ministry for Armaments were entrusted with these plants, who in turn, entrusted other industrial enterprises with operating these plants.

I remember that the nitrogen plants of the Russians were turned over to the Ruhr Chemie. I remind you of a certain Dr. Martin who was the

director of the Nitrogen Plant of Ruhr Chemie, who had to do 1 particularly with these plants in Russia. The aluminum plant on the Dnieper River had nothing to do with the Plenipotentiary General for Chemistry. The VAW the Vereinigte Aluminiumwerke were entrusted with the reconstruction, and they were under the jurisdiction of the Ministry of Economics, and were financially owned by the Government.

Q. Well, Dr. Krauch --

DR. HOFFMANN: Mr. President, may I clarify the following question briefly. I believe that this is cross-examination, and so far we were permitted to ask questions during cross-examination only about those subjects which had been brought out on direct examination. If this is a cross-examination of the witness, then one must consider whether this rule is also to be applied for a defendant, and I must say that this subject was not covered in the cross examination.

THE PRESIDENT: We will first dispose of this matter. This is cross-examination, and secondly, counsel for the Prosecution is bound by the same rules of practice that apply to defendants. By that, I mean to say that the scope of the cross-examination is limited to the field of inquiry that was covered by the examination in chief.

Now the next question of fact is whether or not this is proper cross-examination. I am a little afraid to risk my own memory at the moment. I would be glad to hear what counsel have to say as to whether or not this does pertain to a subject matter that was covered by the defense.

MR. SPRECHER: Your Honor, I would like to make an argument on a different ground. My understanding is that a defendant who takes the stand is a party, and when he takes the stand, he takes it for all purposes and may be examined for all purposes, and that is the reason for because the Prosecution has no control over whether or not that witness takes the stand, among other reasons, but once he takes the stand, he is open for any relevant charge; he is open for examination concerning any relevant issue in the indictment with which he is charged.

THE PRESIDENT: I am speaking of cross-examination generally.

If you are basing it upon the theory that your examination is proper because here is a defendant, then you are under another rule. If you are claiming that this is cross-examination of testimony, you may be outside of the field. If you are predicated it on your right to inquire of a defendant, then you have a different rule than that which applies to a witness generally.

In other words, counsel for the Defense will recall that in a former ruling we said that when a defendant, waiving his rights not to testify, voluntarily takes the witness stand, he becomes a witness then for all purposes, and that permits the Prosecution, under those circumstances, to go beyond the scope of cross-examination that would apply strictly if the witness was not also a defendant.

Is that clear?

MR. HOFFMAN: I was asking you, Mr. President, if this was cross-examination. My question was to be understood in that sense, the sense which has now been clarified by the position that the Prosecution has taken.

THE PRESIDENT: Very well.

DR. DIX: May I understand the words of the President to mean that at the moment when the Prosecutor exceeds the scope of the cross-examination, that at that moment, the defendant becomes the witness of the Prosecution in direct examination with all the consequences resulting thereof?

THE PRESIDENT: It doesn't say that he becomes a witness, but it does make this distinction, that he should not lead the witness then. He should ask the witness on a different basis than he does when he cross-examines.

Do I make myself clear to you, Doctor? In other words, what I said first pertains purely to cross-examination, that we have had that observation made time and time again here, that in the cross-examination of a witness, the cross examination is limited to the field of inquiry that was gone into the examination in chief, and it has this further difference,

that the cross examiner may ask leading questions, or may assume facts and has a more liberal method of examination than an examination in chief. Now that is one thing.

That is what we were talking about. Now we have another subject here. That is a situation where a defendant has voluntarily waived his right not to testify and has taken the witness stand. He then becomes a witness for all purposes, and the Prosecution is not limited to cross-examination. I think you are familiar with that rule, no doubt, in your long experience in these Tribunals.

Now the only thing I did suggest was that the Prosecution should not conduct the examination as he would cross-examination, if he is exercising his functions of examining a party who has voluntarily taken the stand.

I think the Prosecutor will agree to that.

DR. DIX: I understand fully, and I was always of that opinion. However, I wanted to clarify the question of in case as we have now, the Prosecution exceeds the scope of cross-examination; it can no longer ask leading questions, but it must treat the defendant as a direct witness. That was the problem that I am not quite clear about.

THE PRESIDENT: We are under a very narrow field, now what do you have to say, Mr. Prosecutor?

MR. SHRECHER: I have always thought the question of when a party, regardless of what side he was on, should be allowed to ask leading questions depended a good deal upon the mentality of the witness; how he reacts to questions, whether he appears to be really adverse or not adverse to the questioner, in fact a field where the discretion of the Court is omnipotent.

If I have been out of line at any time I appreciate your suggestions.

THE PRESIDENT: The Tribunal had not objected to your method of examination, and it was only because of the request of Dr. Hoffmann to be enlightened as to what the practice was, that we are talking at all on this subject. After all, many, many times when a few leading questions

on preliminary matters are calculated to save time, and one who objects to the purely leading form of questions very frequently just consumes unnecessary time, because counsel comes back then and rephrases his question and you go right along.

If it becomes a matter of counsel trying to put words into the mouth of the witness, and to lead a witness into fields that he would not voluntarily go, then it becomes time for the Court to exercise its discretion.

There is nothing before us. Go along here and we will see how we get along.

If counsel thinks the examination of this defendant is improper, you can make a time objection, and we will appreciate it.

DR. DIX: No, I didn't want to raise an objection. I merely wanted to clarify the legal position, but perhaps it is too academic at the moment, and I shall wait for a more concrete opportunity.

BY MR. SPRACHER:

Q. DR. Krauch, I do not think my last question was leading, but if I misled you by assuming something, you let me know. I do not think I got an answer though. I asked you, if you know, naturally, why Ambros addressed letters to you concerning these questions in Russia.

Do you know why he did, or don't you know?

A. I answered that question, but perhaps I was not quite understood. I said that Ambros assumed that the Plenipotentiary General for Chemical questions might be entrusted with the operation of the plants, which, however, was not the case.

Q. Alright now, if you say that he merely assumed, and falsely assumed that, then that is a very clear answer, and I will understand you perfectly. Now as I understand the document, Dr. Ambros, must have assumed this falsely then over a period of about a year or so, because he kept writing you letters concerning the same matter. How do you account for that?

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A.- The reactivation of these plants was delayed because military operations fluctuated. The factories were shelled by the enemy, they were occupied by Germans, then again by the enemy so that the taking over of these plants could not be definitely settled by the government. At any rate, however, Ambros could not have his people get to work there because then the question as to which ministry should take care of these plants would have been clarified. Either the Ministry of Economics or the Ministry of Armaments.

Q.- Well, I might say that one time Minister Speer described your position as Unmittelbar. That is to say, some one where it was very hard to find the exact nature of your authority. Now, is that why Ambros came to you because there was some confusion as to which Ministry might be consulted in this chemical field, and because there was some confusion as to whether you were the man to go to, or at least, one man to go to?

A.- Ambros knew just as I did that I was not an official of the government, not from me.

Q.- Now, at page 5163 of the English of the transcript, in talking about the objectives of Continental Oil, you testified that the Reich's purpose in forming Conti was so that later the Russian oil deposits could be exploited and made accessible for German conditions. Thereafter, there are two questions and answers I would like to read to you, if I may, and then ask you a question.

"Dr. Krauch, I believe you made a mistake, You didn't mean the Russian oil deposits.

"A.- The Roumanian-Hungarian-Polish oil deposits.

"Q.- Don't you mean the Austrian ones?

"A.- Yes, it might be Austrian."

Now, talking practically, practically speaking, isn't it true that Continental Oil's main objective lay in the Eastern occupied territories with respect to just what you stated in your first answer, so that the oil deposits could be exploited and made accessible for German conditions?

A.- The main task of Continental Oil was, as I stated, that when it was founded it was to take care of the Roumanian and other oil sources, to collect the stock shares by buying them, as far as I know, in Paris and in Brussels; to acquire the majority share in these plants and to keep them operating. The Russian question had not yet become acute at the time since there was no war with Russia.

Q.- Do you know any place besides the Eastern occupied countries where Continental Oil conducted operations?

A.- Yes, in Estonia, the oil shale resources.

Q.- Well, I just wanted to know if there was any outside of the Eastern occupied countries and we won't have to go into each case where it was done in Eastern occupied countries. If your own counsel wishes to do that he is free to do so, Dr. Krauch.

A.- Yes.

Q.- Did you at the time ever hear that any government office had instructed I.G. Farben or any of its officials to acquire any controlling interest or supervision over the production or distribution of pharmaceutical products in France? Can you tell me whether or not you heard that?

A.- No.

Q.- You never heard of any such order?

A.- No.

Q.- Have you heard of any such order at any time from 1939 until the present time?

A.- I cannot remember. I think I had nothing to do with such questions.

Q.- With respect to Norway, what section of your office had responsibilities on your behalf? Your Berlin office, I mean. Or did you undertake all those matters in Norway entirely on your own, without assistance?

A.- As stated by me in my direct examination, the plenipotentiary powers for the development of these plants in Norway were in the hands of Dr. Koppenberg.

Q.- Dr. Krauch, as a matter of fact, I quite agree with you so there is no question of arguing that, that Koppenberg had plenipotentiary powers in that connection. I'm only asking you whether or not - rather, who was the man in your office or what department in your office handled the matter in so far as you were concerned. I'm not trying to say that your office was performing Koppenberg's functions.

A.- Dr. Neukirch had to do with these light metals in Norway. He was the department chief of the Light Metals Department which now had nothing to do since all light metal work had been transferred to Norway.

Q.- You testified yesterday that it had been an international problem....I beg your pardon. I believe it was Tuesday. I made those notes yesterday.

You testified on Tuesday that it had been an international problem to make the Norwegian source of water power available for the public benefit. Do you put in a parallel position, so far as public benefit is concerned, the development of water power in Norway in peace time and its development in war time under a plan which put Norway's water power, many of her facilities and raw materials, many of her skilled and unskilled workers, in a project to strengthen the German air force?

A.- I reported that.

Q.- I'll repeat the question. I think there may have been some mistake. I said, do you put in a parallel position.....

Excuse me, Dr. Krauch, I notice you listen in the English as well as the German and I don't know whether that confuses you more than it helps you.

A.- May I perhaps point out to you that my hearing is not very good; that on the one ear that I have no earphone on I hear nothing at all, and I only hear through the other. I don't hear you at all, Mr. Sprecher.

Q.- Excuse me. I didn't know of that difficulty.

I'll repeat my question.

Do you put in a parallel position so far as concerns public benefit the development of the water power of Norway in peacetime and the development of this water power in war time, underneath German occupation, with a plan whereby Norway's water power, many of her raw materials and many of her skilled and unskilled workers will be involved in a project on behalf of the German air force? Do you put those two things in a parallel position?

A.- I believe that this is a very complicated question which I must answer in a little more direct or simple way. The development of Norwegian water power was a European problem which had, by no means, any expectation of being perfected. The development of the aluminum manufacture was a desire of the German government. For that, water power was needed. In Norway, however, tremendous water power was available so that, at a very early time, all kinds of countries thought of developing and exploiting the Norwegian water power and to get the electric current into European countries and to utilize it there. This suggestion which was certainly justified, had remained only in a theoretical stage and had, by no means, been put into action at that time.

Q.- Now, was there any question in your mind but what the Norsk-Hydro project was a part of the command or a part of the Grosswirtschaftsraum theory, under which the Norwegian economy, as well as other economies, was to be mobilized to work for Germany?

A.- The word Gross wirtschaftsraum was used very often at the time. I believe it would have been a plan which would have been put into operation after a successful completion of the war, successful for Germany. Much has been said about the Grosswirtschaftsraum, but I believe very little of it has been realized.

THE PRESIDENT: Mr. Sprecher, if you propose to use some document I think we may as well adjourn because it's almost at the hour now. Is that agreeable to you?

MR. SPRECHER: Yes. Could I finish the question?

THE PRESIDENT: Yes, surely. I thought you were turning to a new subject perhaps.

BY MR. SPRECHER:

Q.- You must have read over Exhibit 1192 which I think was probably referred to in your exam. I'm not certain. Anyway, it's Document NI-6089 document book 65, English page 34, German page 71. That was a meeting in April, 1940, of the 27th Metal Commission - that's a Farben committee - in which the protocol states rather bluntly: "The Norwegian economy will be mobilized to work for us." It was in that sense that I asked you this question, if you ever had any doubt about what the objective in Norway was. That is, the mobilization of its economy for Germany?

A.- Of course, I cannot judge in what sense this particular commission used this expression and what the gentleman concerned who expressed this opinion thought when he did so. The fact that the Norwegian water powers were to be exploited on the European behalf I believe has been explained by me already. The significance of aluminum production has already been discussed as well and more than that I cannot give you any statement.

MR. SPRECHER: I think that's a convenient breaking off place.

THE PRESIDENT: Mr. Sprecher, would it be asking too much to inquire if you could give us some idea as to how long you think your cross examination will continue?

MR. SPRECHER: Both Mr. Dubois and I were a little surprised at the length it took. We feel that the answers are not quite as direct as would be normal in a criminal trial in America. I think we all understand why that is true and I am not trying to make any personal remark. However, I should think perhaps another hour and a half.

THE PRESIDENT: You will keep that in mind, Dr. Boettcher, so that you will be ready, when the prosecution is through, to move along.

We're about to recess.

I may say to counsel that I am authorized to announce on behalf of Commissioner Mulroy that his hearings tomorrow on the cross examination of the two witnesses mentioned yesterday forenoon will be conducted in this Court room. It had been originally meant to hear them elsewhere. Some mechanical troubles developed there and so the Commissioners' hearings will be here and he will be present at 9:30 in the morning.

Now, are there any announcements to be made before we recess over the week-end?

If not, the Tribunal is in recess until 9:30 Monday morning.

(A recess was taken until 0930 hours, 19 January 1948.)

CERTIFICATE OF COMMISSIONER

I, JAMES G. MULROY, AGO #B-397399, hereby certify that I am a duly appointed, qualified and acting Commissioner, to take the testimony of witnesses under Order of Tribunal No. 6, in the case of United States of America vs Krauch et al; that pursuant to said Order, upon the dates hereinafter listed, I have supervised the taking of testimony of witnesses examined before me, and said testimony has heretofore been properly recorded, reported and filed in the Office of the Secretary General and now constitutes a part of the official transcript of proceedings in the above case; and the dates of such examinations, names of witnesses and pages of the said official transcript are as follows:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
12 December, 1947	Paul H. Haeni	4577-4595
15 December, 1947	Karl Wolff	4596-4657
15 December, 1947	Gustav Schlotterer	" "
17 December, 1947	Kurt Krugger	4692-4710
9 January, 1948	Adolf Hoehle	4946-5024
9 January, 1948	Willi Dagne	" "
9 January, 1948	Karl Amond	" "
17 January, 1948	Alfred Zaun	5470-5512
17 January, 1948	Perry Broad	" "
6 February, 1948	Josef Johan	6826-6881
7 February, 1948	Franz Rottenberg	6957-6979
26 February, 1948	Noack Treister	7696-7732
27-28 February, 1948	Rene Balandier	7925-7963
16 March, 1948	Fritz Goernert	9288-9305
16-17 March, 1948	Gerhard Ritter	9305-9358
17 March, 1948	Heinrich Van Beek	9359-9376
18 March, 1948	Dr. Charles Bendel	9584-9616b

I further certify that the aforesaid transcript pages comprise a full, true and correct report of said proceedings, testimony and evidence heard and recorded at proceedings before said Commissioner.

Dated at Nurnberg, Germany, March 31, 1948.

JAMES G. MULROY
Commissioner of Tribunal No. 6

James G. Mulroy

Official Transcript of hearing before a Commissioner for Military Tribunal VI, Case VI, in the matter of the United States of America, against Karl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 17 January 1948, Commissioner James J. Mulroy presiding.

THE MARSHAL: Persons in the Courtroom will please find their seats.

The Honorable, the Commissioner of Military Tribunal VI.

The Commission of Military Tribunal VI is now in session. God save the United States of America and this Honorable Commission.

There will be order in the Court.

THE COMMISSIONER: Has the Prosecution anything to present to the Commission this morning before the taking of testimony?

MR. SPRECHER: Well, Mr. Commissioner, I thought perhaps the record might be clear as to why these two witnesses are here at this time. As I stated in the affidavit filed with you several days ago, there was no assurance that these two witnesses, Perry Broad (B-r-o-a-d) and Alfred Zawn (X-a-u-n), would come, because they're from the British Zone, and no one had been able to assure us whether such action was taken by all of the authorities involved so that they would arrive here at all at any particular time. Both of them did arrive and naturally we immediately alerted to the Commission that they had come, since some of the defense counsel had indicated a special interest in having these gentlemen appear in an open commission hearing before you.

THE COMMISSIONER: Thank you, Mr. Sprecher.

Mr. Marshal, will you please report as to the defendants present?

THE MARSHAL: May it please your Honor, defendant Mann is present.

THE COMMISSIONER: Very well. Have defense counsel any matter of which they wish to make a record?

DR. TIERCK: Mr. Commissioner, Dr. Mueller would like to be excused; unfortunately he is unable to be present today. He asked me to explain that all defense counsel were informed of the session today and that all defendants were given the opportunity to be present.

THE COMMISSIONER: Thank you, Dr. Mueller is excused.

Mr. Prosecutor, you may call your first witness.

MR. MINSKOFF: The first witness for the Prosecution is Alfred Zaun, a German national, whose affidavits appear in Document Book LXXXIII.

THE COMMISSIONER: What is the page—or are there several pages?

MR. MINSKOFF: It appears on page 3 of Document Book LXXXIII.

THE COMMISSIONER: You'll give me the pages as you come to them?

MR. MINSKOFF: Yes.

THE COMMISSIONER: Thank you.

MR. SPRECHER: Mr. Commissioner, is there any matter that you will need me for later?

THE COMMISSIONER: Mr. Sprecher, I always enjoy having you present, but if you have other commitments this morning we'll excuse you. I think your deputy will be able to carry on for you.

MR. SPRECHER: Thank you.

ALFRED ZAUN, a witness, took the stand and testified as follows:

THE COMMISSIONER: Witness, you will arise and remain standing.

Raise your right hand and say, I

WITNESS ZAUN: I, Alfred Zaun,

THE COMMISSIONER: Swear by God the Almighty and Omniscient

WITNESS ZAUN: Swear by God the Almighty and Omniscient

THE COMMISSIONER: That I will speak the pure truth

WITNESS ZAUN: That I will speak the pure truth

THE COMMISSIONER: And will withhold and add nothing.

WITNESS ZAUN: And will withhold and add nothing.

THE COMMISSIONER: You may be seated, Witness.

For your information, Mr. Witness, you are advised that you may testify freely as to any questions propounded to you, but it is the desire of the Tribunal that these examinations be carried on with some degree of expeditiousness, and, for that reason, the question should be answered as briefly as possible. In the event that your answers are not deemed sufficient by counsel further questions will be put to you so that you may clarify your testimony.

As to these lights, the yellow light indicates that you are proceeding too rapidly, and you should, therefore, slow down your testimony. When the red light flashes you should stop until directed to proceed.

You may proceed.

DIRECT EXAMINATION

BY MR. MINSKOFF:

Q Mr. Zaun, what is your full name?

A Alfred Bruno Carl Zaun (Carl with a "C").

Q And where do you reside?

A In Hamburg Blankenese, Manteuffelstrasse 50.

Q Mr. Zaun, with respect to your affidavits, which are now in evidence as Exhibits 1780, 1783, 1782, and 1784 for the Prosecution, are there any changes or additions you wish to make at the present time?

A No.

Q There are no further questions by the Prosecution.

THE COMMISSIONER: Thank you. The Defense may cross-examine.

CROSS EXAMINATION

BY DR. TIERCK:

Q Mr. Zaun, will you please look at Exhibit 1780? That is on page 3 of Document Book LXXXIII. Do you have the affidavit?

A Yes.

Q Under Paragraph 2 you state that Testa, with regard to Zyklon, was completely dependent on the Deutsche Gesellschaft fuer Schaedlingsbekaeupfung (Degesch).

A Yes.

Q What was the reason for this dependence? Was Testa obligated to buy the Zyklon from Degesch?

A Yes, Degesch had a contract with Testa, signed in 1925. Testa, according to this contract, was obligated to buy Zyklon from Degesch. Later another Zyklon contract was signed — I believe it was in 1942.

Q Did this contract refer to Zyklon, or did it affect other productions also, such as Tritox, T-gas, and Cartox?

A In 1925 these products did not yet exist. I believe they are explicitly mentioned in the new contract, which, I believe, was signed in 1942, as I said. In the 1925 contract it was provided that if Degesch could not supply Zyklon, Sodium Cyanide could be bought.

Q In Paragraph 2 you also say that Degesch had the only patent and production license and that Zyklon came from Dessau plants and Kaliwerke Kolin. Mr. Zaun, did you see the patent documents?

A Yes, Degesch had sent us copies, and they were in the safe of Tests. I don't know whether they were complete copies or merely excerpts, but the number was given. I remember that, but I can't remember any further details.

Q Can you say that the patents were in the name of Degesch? Can you remember that exactly?

A No, I cannot.

Q Do you know of any production contracts concerning Zyklon with the Dessau plants and the Kaliwerke Kolin?

A No, from the Finance Office I once received a certificate from Degesch informing us for the Finance Office that the Dessau Werke were producing Zyklon.

Q Can you recall that this certificate indicated that the production of Zyklon was by order of Degesch?

A Well, in matters of Zyklon persons dealt only directly with Degesch.

Q Mr. Zaun, I am asking you about the contents of this certificate. Can you say, with certainty, that the production of Zyklon was mentioned with reference to Degesch - that Degesch produced Zyklon at the Dessau Werke?

A Yes, it was a certificate on the Dessau letterhead, and the purpose of this certificate was to supply approval for a firm; so that is why we needed the exact information.

Q Mr. Zaun, do you know the connection between Dessau and Degussa regarding the matter of Zyklon?

A No, I do not. I merely know that Degesch was the subsidiary of Degussa.

Q Did you talk to employees of Degesch about patents and production?

A No, never.

Q You say that all orders which Testa received from the concentration camps and SS organizations had to go through Degesch. Now, I should like to ask you, Mr. Zaun, who handled correspondence in getting these Zyklon sales of Testa?

A That was done by the Commercial Office, under Dr. Tesch, or his representative, Mr. Weinbacher.

Q Thank you. The direct contractual obligations for delivery of the products ordered were obligatory upon Testa were they not?

A I didn't quite understand that.

Q The contractual agreements were no doubt reached between consumers

and Testa, from which the contractual obligations of both sides resulted.
Is that correct?

A If I understood you correctly, you mean that for each individual piece of business there was a special contract?

Q No. In a sale certain contractual obligations resulted. I wanted to ask you who sold the Zyklon and who had the obligation to deliver it, in connection with the relationship between Testa and the consumer.

A According to the contract with Degesch, Testa was the representative to the right bank of the Elbe, and, as such, was responsible for all orders in this territory. In that sense we were responsible for all orders received on the right bank of the Elbe - both fumigation orders and sales.

Q The contracts were between Testa and the consumer then, if I understand you correctly?

A Yes.

Q Thank you.

Under No. 8 of your affidavit you speak of the gross profit of Testa - that is, receipts minus direct cost of goods - for Zyklon. Were those figures supplied to Degesch by Testa, Mr. Zaun?

A I believe, according to the old contract of 1925, we had to supply the annual figures, and later, when Testa was independent, that was no longer done.

Q From what time on was this no longer done?

A It seems to me -- Now, I can't tell you that.

Q Could it have been 1941 or 1942?

A I believe that Dr. Tesch went down to Frankfurt, especially for this purpose, and settled the matter; therefore, Testa later became independent, but I can't remember the time exactly. I don't want to commit myself.

Q Under No. 9 of your affidavit, you give the annual net profit of Testa. Were these figures given to Degesch?

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Q Under No. 9 of your affidavit, you give the annual net profit of Testa. Were these figures given to Degesch?

A That is just about the same thing as the answer to the previous question. The information of the profits to Degesch was no longer given, after Testa became independent. That must have been after the shares were transferred to Dr. Tesch. I believe there is a record to that effect in the Testa office. It was the notarized record.

Q Mr. Zaun, would you please look at Exhibit 1782, which is on page 13 of Document Book LXXIII, page 12 of the English, page 13 of the German. Under Paragraph 2, Mr. Zaun, you speak of a sales book kept by Dr. Tesch privately and in handwriting, giving figures on a sale of Zyklon by the firm Testa. Were these private, handwritten records of Dr. Tesch known to the firm Degesch, or were these known to Dessau?

A No, that is very simple. That is an extract of all the transactions - both the sales of Zyklon and other gases - of insect controls and also fumigations.

Q Can you say definitely that all the information contained in this private sales book, this handwritten sales book, were known to Degesch? Can you say that?

A No, that is not the case, but all these figures were compared to the book-keeping figures by Dr. Tesch monthly.

Q Thank you. That is sufficient. Now would you please look at Exhibit 1783 which is on page 23 of the English, 25 of the German, in the same document book. On page 3 of this affidavit you will find delivery of Testa to the German Hygiene Institute in Riga, 6,967.8 kilograms of zyklon in 1943. I would like to remind you that under paragraph 6 of Exhibit 1780, which I ask you to look at — that is on page 4 of the English — you give the delivery of zyklon to Auschwitz as 7,478.6 kilograms for the year 1942; and 12,174.09 kilograms for the year 1943. Under number 4 of the above mentioned affidavit, Exhibit 1780, page 4 of the English, you called "gigantic orders", huge orders. Have you found it?

A Yes, I found it. I should like to emphasize that all concentration camps together in 1942, that nine thousand odd kilograms to Auschwitz alone in 1942, 7,478.6, or concentration camps 9,161.6.

Q Well, Mr. Zaun, I just cited the figures of the deliveries of Testa to Auschwitz. What I am interested in is this: If you call these deliveries, figures which you have just given, if you compare them with the deliveries of the German Hygiene Institute in Riga, don't you get the impression that the deliveries to the Hygiene Institute in Riga are also extremely high? That is the only thing I want to know.

A In Auschwitz we know that it was used for the camps, but the Hygiene Institute in Riga, we don't know where it was going, how many agencies are included.

Q Would you still hold the same view if I put to you that the concentration camp Auschwitz had 30 to 50 subsidiary camps?

A I did not know that.

Q My question was, assuming that it is true that the concentration camp had 30 to 50 subsidiary camps, would you still hold the same view that this expression of "huge orders" does not apply to Riga, but does to Auschwitz?

A Well, one would have to know conditions.

Q Thank you. On page 3-a of affidavit 1783, that is page 26 of the English book, you find the Testa Sales taken from the private records of

of Dr. Tesch, that is, delivery to concentration camps in the Eastern zone in 1943, a figure given as 15.3%. Do you find this place?

A Yes.

Q According to the information given, is this 15% of the total sales of zyklon by Testa?

A Yes, one can see that from the figures in the above. The total sale was 119,458.4 kilograms, that is, 100%, and various concentration camps and SS institutions together received twenty-nine thousand odd kilograms, or 24%. This 24.9% which composed—

Q Excuse me for interrupting you, Mr. Zeun, but we don't want to waste time. I was merely asking about deliveries to concentration camps. The figure given here is 15.3%. All I wanted to know from you was whether this 15.3% refers to the total sales.

A The total sale for the year 1943 of zyklon.

Q Thank you. Now please look at the last page of this document, on page 10 of the document, page 3 of the English book. There you will find deliveries to the concentration camp Auschwitz for 1943, 12,183.4 kilograms of zyklon. Do you find this?

A Yes.

Q Now on page 3-a of the same document, page 26 of the book, the total sale of Testa, the total zyklon sale of Testa, is 11,458.4 kilograms. Now, if we want to figure out the percentage of deliveries to Auschwitz, is it correct to compare these two figures?

A Have I understood you correctly if I say the turn over of 12,183.4 kilos for Auschwitz is contained in 119,458.4.

Q And what is the percentage, approximately?

A That would be about 10%.

Q Now, will you please look at Exhibit 1780. That is on page 3 in the English. Under paragraph 6 the deliveries of zyklon to Auschwitz of Testa in 1942, which is given as 7,478.6 kilograms. Is that right?

A Yes.

Q Under paragraph 7 a total sales of Testa, total zyklon sales for
5478

1942 are given as 79,609.9 kilograms.

A Yes.

Q The Testa deliveries to Auschwitz are included in this figure of total sales in 1942?

A Yes.

Q Now, if you compare the deliveries to Auschwitz with the total sales, what percentage do you get, approximately?

A About 10%.

Q About 10%. Thank you. Now that is for the year 1942?

A For the year 1942 and for the year 1943 as well.

DR. TURCK: No further questions.

CROSS EXAMINATION

BY DR. HEINTZELER:

Q Witness, in answer to the question —

THE COMMISSIONER: Whom are you representing, Doctor?

DR. HEINTZELER: Dr. Wuster.

THE COMMISSIONER: Thank you.

Q (by Dr. Heintzeler) In answer to the question by my colleague Turck regarding the complete dependence of Testa to Gagesch, you referred to a contract of 1925, and a later contract of 1942. Now the Prosecution in the course of this trial has offered the contract as the year 1942 in evidence. And I should like to read you a few words in the introduction of this contract. This is document NI-11393.

MR. MINSKOFF: I should like to inquire whether this is going to be a questioning or whether he's just going to read what is already in the records.

DR. HEINTZELER: I should like to read a passage from the 1942 contract to the witness, and then I intend to ask him whether he would like to change his previous testimony in any way.

THE COMMISSIONER: I think that is proper.

MR. MINSKOFF: If the proper basis is laid for refreshing his recollection it is perfectly admissible, but if he has never seen this

contract at all it is merely to confuse the witness. If he has seen it before, of course, there is no objection to it. I think the foundation should be laid before quoting from it.

THE COMMISSIONER: Well, I understood that there would be a foundation made. After that foundation is made I think it is proper.

INTERPRETER: Would you please repeat?

THE COMMISSIONER: I think counsel's question is correct, if the proper foundation is laid.

BY DR. HEINTZELER:

Q This is document NI-11393, Exhibit 177C in document book B2, page 115 of the English, page 138 of the German. The introduction to this contract reads, and I quote: "The Deutsche Gesellschaft fuer Schaedlingsbekaempfung m.b.H., in Frankfurt/Main - for short 'Degesch' - and the firm of Tesch & Stabenow, have agreed to place their collaboration in the field of pest control by means of Degesch products effective in the gaseous stage on an entirely new basis, which will leave the Degesch and the Testa complete independence and freedom in their business activity in the field of pest control in every respect, so far as is not expressly otherwise stated in the following agreement."

"Witness, my question is, do you still maintain that after 1942 the Testa was completely independent of Degesch? Witness, do you still maintain that after 1942 Testa was completely dependent upon Degesch?

A In my opinion, yes, because Testa had no other opportunity of getting zyklon, because Degesch alone had it produced.

Q Are you of the opinion that Degesch could have ordered the management of Testa to make, or to refrain from making, a certain delivery?

A Would you please repeat the question?

Q Are you of the opinion that Degesch could in an individual case have given the management of Testa an order, either to carry out a certain transaction or else to refrain from making delivery to a certain plant, or did the management of Testa after 1942 have the freedom to decide in the choice of clients?

A I can imagine that Degesch—

Q Perhaps I can help you, witness.

MR. MINSKOFF: If it please the Court, the reason, it seems to the Prosecution, that the witness is having trouble with the question is because it calls for an interpretation of the contract rather than a factual information. He asks for a legal conclusion. He asks him to determine whether it is possible for Testa to pick and choose. Now that calls for an interpretation of the contract, it is one the law should make, or the Court should make, but certainly is unfair for the witness to make. It is improper to ask the witness to make that kind of an interpretation.

THE COMMISSIONER: Are you objecting to the question?

MR. MINSKOFF: Yes, your Honor.

THE COMMISSIONER: The record will show your objection. I am inclined to agree with counsel that your question, Doctor, calls for the witness to make an interpretation of a written instrument. But if the witness can testify briefly on the question I think you may proceed with it.

DR. HEINTZELER: Mr. Commissioner, I should like to take this objection and reformulate my question.

THE COMMISSIONER: Please do that.

BY DR. HEINTZELER:

Q Did I understand you correctly, that you see the dependence of Testa in the fact that the products for post control had to be obtained from Degesch?

A Yes.

Q Do you know of any cases when the management of Testa inquired of Degesch whether they were to be allowed to supply a certain client, or whether they should not supply another client, or did the management of Testa always decide independently whom to supply, and whom not?

A That was not my field. Dr. Tesch and Mr. Weinbacher did all that. I dealt merely with completed facts, that is, with deliveries made. That is all I was interested in.

Q In the same affidavit, under number 4, you speak about the rumor which was common in Germany that Jews and the feeble minded in 1941 and 1942 were killed. Now I should like to ask - you were living in Hamburg at this time?

A Yes.

Q Did you travel a great deal for the firm, or were you in Hamburg most of the time?

A I was only in Hamburg.

Q Only in Hamburg. Is it true, then, that your testimony, when you speak of a general rumor in Germany, is a little exaggerated?

A Yes. Perhaps that is saying too much, that is true. That should say, "In Hamburg", shouldn't it.

Q Why do you say 1941/1942?

A That is an estimate of the approximate time. I couldn't give the exact time.

Q I notice that at another point in your affidavit you speak of the increase in sales to concentration camps, especially after 1942. You did not see any connection personally between these rumors which you heard in Hamburg, and the increase of sales for the firm?

A No, that idea never occurred to me.

Q Under number 5 of this affidavit, page 4 of document book 83, you refer to an affidavit which you gave to Captain Nightingale. In the next sentence you say that from this document and from the official English minutes of the proceedings against Mr. Tesch and others, as well as on the basis of other figures, you compiled the following. I should like to ask you to what extent you consider this official English record as an authentic source of figures.

A Because on behalf of Colonel N. Ashton Hill I had to make excerpts from the books of the firm, and he himself checked them for accuracy.

Q But the basis of your figures are the figures of the firm?

A Yes, the figures of the firm.

Q No other figures that you got from outside?

A No, no.

Q Now I should like to ask you something about Document NI-11880, Exhibit 1783, document book 83, page 23, on page 10 of the document, which is page 37 in the English text, page 37 of the English document book 83. It is on page 37 of the English text. In the left column you find a compilation of deliveries to concentration camps. Do you have that, witness?

A Yes.

Q And behind the total 18,302.9 kilos there is a figure given Auschwitz, 12,183.4 kilos.

A Yes.

Q May I ask you why there was a special figure given for Auschwitz?

A That was extracted especially assuming that this figure would be of some importance.

Q Did you yourself take out this figure?

A Yes, together with some ladies who helped me work out these figures.

Q. Now I come to the last affidavit, NI 11396, Exhibit 1784, page 38, document book 83. Do you have that exhibit, witness?

A. Just a moment. Yes.

Q. On page 1a of this document you have given under A the annual net profit of your firm from 1941 to 1944. This is on page 38 of the English. Under B, the yearly receipts for the gassing operations carried out and under C, the yearly receipts of sales of Zyklon B. And I have a question about B and C, yearly receipts. Did you mean the gross cash receipts?

A. I believe that means something else. It means the gross profits. It is the Zyklon sales minus the cost.

Q. And B?

A. Well, this was B. Oh, excuse me. Zyklon sales are under C. Yes, that was a mistake on my part. The yearly receipts for sales of Zyklon B gas probably means the gross profit — that is after the costs have been deducted from the receipts.

Q. And what about the same expression "yearly receipts" under B?

A. Well, that is analogous to what I said under C. The amount received for fumigation minus the direct expenses.

Q. Then I don't quite understand the net profit of the firm in those years being so low.

A. That is because of the high taxes, I suppose. All these figures are taken from the report signed by Dr. Tesch and submitted to the English authorities — that was the original books.

Q. Did you sign this affidavit in German or English?

A. I don't remember. But I do remember that there was some discussion of this term "yearly receipts" — a debate between the defense and the Court. But the correction was not accepted, it seems.

Q. You can not recall whether the German text was submitted to you for your signature for the English Text?

A. I will look. I have both of them here. It seems to me that I have signed the English copy.

Q. The German in my document book has no indication that it was translated.

A. I was looking for that too. No, I must have signed it in German. It says "Certified true translation from the German" on page 40 at the bottom. Page 40 of Document Book 83.

Q. In that case I should like to bring to the attention of the Commissioner that there is apparently a mistake in the English translation. I happen to have the English in my document book too and the expression which is translated "yearly receipts" in B and C on page 38, in my book, it says "yearly receipts from gassing operations" under B and "yearly profits from sales" under C.

THE COMMISSIONER: That is a matter which may be straightened out.

MR. MINSKOFF: May I state for the record that the English document book that I have has "yearly receipts" for both B and C. Now the English document book that counsel has here, for the defense, has, under C "yearly profits". That should also be "receipts" the same as our other book.

THE COMMISSIONER: It is agreed that both B and C then should be receipts. Then I think that you may make that change and that will show that by an agreement of counsel the document has been changed to conform to the agreement.

BY MR. HEINTZLER:

Q. Then no more questions on this point are necessary. Now I have one final question. On the first page of Exhibit 1784, page 38, it is in May of this year when we learned from the newspapers that people had been gassed in concentration camps, there was speculation in the firm as to whether the gas came from us. It is no doubt correct that that refers to the year 1945 because that was the year in which you

signed the affidavit.

A. Yes, the affidavit is of 24 October 1945.

Q. Now, I am interested in knowing what you mean by "we" in this sentence. Do you mean the personnel of Testa?

A. Yes, the office personnel of Testa.

Q. Is it true that the managing personnel of Testa, that one of these gentlemen, Mr. Grossin, was acquitted by the English military court?

A. Yes, that is true.

DR. HEINTZELER: No further questions.

BY DR. HOFFMANN: (Counsel for the defendant von der Heyde)

Q. Witness, I should like to come back to what my colleague, Dr. Heintzeler, has already asked you. Your affidavit NI 11937, Exhibit 1780, page 9, document back 33. Do you have that document, witness?

A. Yes.

Q. In the middle of page 2 you say, and I quote "The generally known rumor in Germany that Jews and imbeciles were liquidated in 1941, 1942, I heard, but due to the large number of such similar rumors I did not know whether to believe it." End of quotation.

Witness, when you were questioned by my colleague, Dr. Heintzeler, you said that you had to correct your affidavit and say that this was not in Germany but Hamburg that you are speaking of, is that correct?

A. Yes.

Q. Now, I should like to ask you what sort of rumors did you hear? Please tell us one of them?

A. Only in the conversation in the train I heard it was said that Jews and imbeciles were killed, but of course I didn't know the people and I had to get out because it was my stop and later I forgot about it.

Q. Stop, witness. You said that you heard in the train that Jews and imbeciles were killed?

A. Yes.

Q. Will you please give me the content of this talk. Who was talking to whom?

A. Two of the passengers.

Q. Were they men or women?

A. Two men. They were talking in low tones. I don't know what their profession might have been. The train was rather full and they didn't talk very loud and that was what I just happened to overhear.

Q. Witness, what did you actually hear as far as you can remember? What did these two people say?

A. I heard very very little there. I didn't stand next to these men very long.

Q. Witness, I don't want to know whether you heard much or little. I want to know what you heard.

A. Well, they talked -- one of them said to the other one "Did you hear this? They say that Jews and imbeciles are being killed." Just something like that.

Q. And what did the other man say?

A. I didn't hear that. I don't know.

Q. I want to make this definite. You say that in that local train in Hamburg you heard some men say to another man, "Did you hear them say that Jews and imbeciles are being killed?"

A. Yes, something like that.

Q And the answer of the other man?

A I did not hear that. The train was very full and of course other people were talking too.

Q When was that, witness?

A I said 41 or 42, but I don't want to commit myself as to the exact year. That is merely an estimate.

Q But witness I have to ask you when it was.

A Well, I really can't tell you. I don't want to say anything that is not true. I really don't remember.

Q Witness, could it have been 1941?

MR. MINSKOFF: The witness has stated that in rather clear terms he doesn't remember any more than he has already testified.

COMMISSIONER: Dr. Hoffmann, I think the witness has answered your question by saying he does not remember.

DR. HOFFMANN: Your Honor, I should like to point out that he has given an affidavit in which he says that it was in 1941 or 1942. Then I have to ask him whether since the date of his affidavit, which was October 1947, that is three months ago, whether since that time his memory has deteriorated.

MR. MINSKOFF: That is two years and three months ago it was made. It's the same affidavit sworn to over again.

DR. HOFFMANN: Very well, witness, I take note of the fact that you do not recall the year you heard this rumor.

A Of course I still say that it was in 1941 or 1942, probably. But I can not give any exact date because I didn't note it of course. I was very busy at that time on the firm's business and you can't hold it against me for forgetting about this simply because I was over-worked.

Q Thank you. Now, witness, I should like to hear some rumors. Please tell us another rumor that you heard. You say, witness —

A Yes — Rumors. Well, for instance, information — news, which other people said they had heard on the radio from some place or other. I don't remember exactly what it was, of course, but there were some German

propaganda reports too. It was all confused and we didn't know what we should believe. Today, years later, when we have an entirely different attitude, of course, we don't think about these things any more.

Q Witness, couldn't you give me another rumor — a concrete rumor that you heard? A real actual rumor?

A No, I can't at the moment. I can't think of any.

Q At the time of this affidavit could you have thought of any?

A Yes, if I had been asked about them. But I wasn't. Then I said that the matter was settled, don't you see, and I didn't think about it any more.

Q Witness, I will tell you what I am interested in. I would have been glad to hear a number of rumors from you because I notice that you say in your affidavit that you heard that Jews and imbeciles were liquidated in 1941, 42. Can you not remember what the rumors said about the method of death?

A No.

Q Witness, could it have been said that these people were shot?

A I believe not.

Q Witness, what did you mean by liquidated? What did the rumors mean?

A The meaning which we had to attach to this question later we didn't think of at the time, of course, you see. The idea that anybody would be killed by gas, that only came out much later, after the facts became known in the War Criminal Trials.

Q Witness, you worked for a firm that sold gas, is that right or isn't it?

A Yes.

Q Well then, if you heard in 1941 or 42 that Jews were gassed in Auschwitz would you have noticed that, yes or no?

A No, I never had any such ideas — such evil thoughts.

Q You worked with gas. Your firm worked with gas.

A Yes.

Q It would never have occurred to you that there would have been any connection?

A No, Dr. Tesch was much too correct in my opinion.

DR. HOFFMANN: No further questions.

THE COMMISSIONER: Is there further cross-examination of this witness? Is there re-direct examination?

BY MR. MINSKOFF:

Q Just a few questions if it please the Court.

THE COMMISSIONER: Please proceed.

Q Dr. Tesch is the man who was convicted in the Hamburg trial?

A Yes.

Q And sentenced to death?

A Yes.

Q And hanged, is that correct? For his part in furnishing the Zyklon B gas to Auschwitz and to other concentration camps?

A I did not hear the judgement.

Q But you know he was hanged for that.

A I heard that, yes.

Q Mr. Zaun, I'd just like to clarify the matter which was raised in a number of questions by the defense and that is the dependence of Tesch and Stabenow, Tosta, upon Degesch, in the furnishing of Zyklon B gas. Now, may I ask from the years 1941 to 1945 did the firm Tosta ever receive any Zyklon B gas from any source other than Degesch?

A No.

Q So that all the gas it received and all the gas it disposed of, all came through the firm of Degesch, is that right?

A Yes.

Q Now, with respect to the knowledge by Degesch as to where this gas was going, could you state briefly whether it would be possible for orders to go to Auschwitz without Degesch knowing that the deliveries went to Auschwitz?

A No, I consider that quite impossible.

Q And that is based on what?

A Because Degesch was the only supplier.

Q And is there anything in the system of orders and delivery notices which would apprise Degesch of each delivery of Zyklon B gas?

A Yes, the orders which we received were sent on. The customer and address were sent on to Degesch, and then Degesch sent this information on to Dessay and Kolin. Both Degesch and Testa were notified when the shipment was sent out and in this way Degesch was informed about the quantities delivered and the customers.

Q Now the question of dependence — it wasn't based on a mere legal contract, but on a practical matter that Zyklon B gas was not obtainable from any other sources but Degesch, is that right?

A Yes.

Q So that completely apart from whether Degesch ever received the figures on profits which were discussed during cross-examination, they would nevertheless have complete knowledge of all the deliveries and the total increase in sales.

A Yes, they must have had that.

Q May I ask a further question on the figures — the total sales figures which were asked on cross-examination. What do the total sales figures include? Well, perhaps I can clarify that. Are they limited, for example, to sales within Germany?

A No, they include exports.

Q So that when you say two percent of total sales went to Auschwitz, does that mean two percent of all sales of Testa within or without Germany?

A Yes, that is right.

MR. WINSKOFF: No further questions.

THE COMMISSIONER: Has the defense anything further?

DR. HEINTZELER: Just a moment. No further questions.

THE COMMISSIONER: Then as I understand it, both sides, both the prosecution and defense have completed their examination of this witness, is

that correct? The witness may be excused.

MR. MINSKOFF: If it please the Commission, the next witness is Perry Broad, a German national whose affidavit is now in evidence as Prosecution's Exhibit 1762. That appears in Document Book 82 on page 50 of the English and German.

THE COMMISSIONER: I have it counsel. I'd like to ask counsel a question in regard to this witness. It is now time for our morning recess. If this examination is to take up any considerable amount of time -- but if you are going to conclude it rather speedily and you wish to do so we can go on from here without a recess.

MR. MINSKOFF: That depends entirely upon the cross-examination, if it please the Commissioner, because the prosecution has no further direct evidence to elicit from this evidence. He will be turned over promptly to the defense.

THE COMMISSIONER: Gentlemen of the Defense, what is your
pleasure? Do you wish to go ahead now?

DR. HEINTZLER (Counsel for defendant Dr. Wurster):

Just a moment.

THE COMMISSIONER: Just a moment, Doctor; I have just been
informed that the film has run out so we will have to take our recess
willy-nilly. The Commission will be in recess for fifteen minutes.

(A recess was taken)

THE MARSHAL: The Commission is again in session.

THE COMMISSIONER: Witness, you will please remain standing, raise your right hand, pronounced your name.

WITNESS: I, Perry Broad

THE COMMISSIONER: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE COMMISSIONER: The witness may be seated. The Prosecution may examine the witness.

MR. MINSKOFF: If it please the Court, there was an error made by the Prosecution in describing the nationality of the witness. I understand the witness is a Brazilian National and not a German National.

THE COMMISSIONER: Have you the form of the oath for a Brazilian National?

MR. MINSKOFF: I don't have that and I am not sure where it differs from the others.

THE COMMISSIONER: You are aware that the ordinances under which this proceeding is held provide that the witness shall be examined in the oath used in his own country.

MR. MINSKOFF: Yes and we have up until now been using appropriate oaths for the various nationals before the Court -- in most cases they were substantially the same -- and when it had some variance, it depended on the nationality. The Prosecution is not familiar with the Brazilian oath and would be happy if the defense counsel could help with any differences as to the form of the oath.

THE COMMISSIONER: Then I will ask defense counsel: are you willing to proceed with the examination of this witness on the oath that he has taken?

DR. TURCK: The Defense is perfectly in agreement with that.

THE COMMISSIONER: You waive any objection? In other words, you waive any objection to the testimony of this witness arising from the form of the oath which has been administered?

DR. TURCK: Yes, your Honor.

THE COMMISSIONER: Then you may proceed, Mr. Prosecutor.

MR. MINSKOFF: I take it the record will show that both parties have stipulated that the oath as given will suffice for both defense and Prosecution.

THE COMMISSIONER: The record should show it now.

DIRECT EXAMINATION

BY MR. MINSKOFF:

Q What is your full name, Mr. Broad?

A Perry Broad.

Q And where do you reside?

A In Munsterlager.

Q With respect to your affidavit, to your abstract of testimony which appears as Prosecution Exhibit 1762, are there any changes, additions or corrections that you wish to make at the present time?

A Yes, I should like to make a correction. On page 22 it should not read 14 to 45 kilometers but 14 to 45 meters.

Q Are there any other changes or corrections or additions?

A No.

MR. MINSKOFF: There are no further questions by the Prosecution. The witness is with the Defense.

THE COMMISSIONER: The Defense may examine.

CROSS EXAMINATION

BY DR. HEINTZELER: (Counsel for defendant Dr. Wurster):

Q Witness, this is the record of your interrogation before a Military Tribunal in the British Zone. Is that correct?

A Yes,

Q In this record there are references made to several exhibits that were shown to you. Do you have those exhibits with you?

A No, I do not.

DR. HEINTZELER: Mr. Commissioner, I believe that under the circumstances I must point out that the admissibility of the evidence now seems to be doubtful to me because the record without the exhibits that belong with it seems to offer no possibility to the Commissioner to get the proper picture about the testimony of the witness.

THE COMMISSIONER: I will hear from the Prosecution.

MR. MINSKOFF: If it please the Commissioner, if there are any specific questions which the Defense has in mind that are not clear or not understandable by virtue of the fact that the exhibit referred to is not there, it would be helpful if those specific questions are referred to here and, if possible, some suggestion with respect hereto can be made. It won't affect obviously questions of the affidavit and the answers in the testimony which have no reference to exhibits, for example.

THE COMMISSIONER: Dr. Heintzeler, as I understand it, you are objecting to the admissibility of this entire document. Is that correct?

DR. HEINTZELER: I believe that without the exhibits belonging to this document, it is impossible to gain a proper picture about the contents of the testimony. I do not believe

that it would be possible to take into account parts of the testimony which do not speak of the exhibits and, therefore, first of all, I should make the objection that the document is not admissible without the exhibits belonging with it.

MR. MINSKOFF: May we make a comment? This document is now admitted into evidence. It was offered in open court before the Tribunal when Defense had an adequate opportunity to object to the document and its relevance and materiality. The question now being raised as to whether the witness has before him certain exhibits which were shown to him at that time actually has very little bearing on the testimony for this reason.

The case here involves the Degesch Company which made all the Zyklon "B". The case in the British Zone involved the Testa Company which was only one of the recipients of Zyklon "B" from Degesch. It was important, even crucial, in that case to show the various tins of Zyklon "B" that were actually delivered in Auschwitz in order to prove that those tins came from Testa. They could have come from other firms supplied by Degesch.

That entire question is academic in this case since all Zyklon "B", whether or not it came from Testa, had to come from Degesch and that is why I raise the question as to -- could he show me some specific question which he had reference to which wouldn't be clear because of the exhibit; but, as far as materiality is concerned or probative value, it is just raising a fog which doesn't exist because Degesch makes all the Zyklon "B" and it is completely irrelevant whether the tins had Testa labels on them or not.

THE COMMISSIONER: Now, Dr. Heintzeler, your objection

to the admissibility of this exhibit is already in the record. Under the directive defining the powers of this commission, I cannot make a ruling as to whether or not your objection should be sustained or overruled and for that reason I will require you, inasmuch as I have the authority to do that, to proceed with what cross examination you consider proper under these circumstances, and the final ruling as to whether or not your objection is well taken may be decided by bringing it before the Tribunal itself.

You may proceed, Dr. Heintzeler.

DR. HEINTZELER: Mr. Commissioner, I am ready to put a few questions to the witness inasmuch as I can do so without the exhibits in order not to delay the proceedings and in order to prevent possibly that the witness might have to come to Nuernberg a second time.

However, I do want it understood explicitly that the cross examination conducted by me should not be prejudicial to my right to make this objection, that I want to have the exhibits produced with the document.

THE COMMISSIONER: You have, Dr. Heintzeler, I think, properly preserved all of your rights under the circumstances and your objection and the grounds for it will appear, of course, in the record and may be brought up before the Tribunal itself and argued at that time.

DR. HEINTZELER: Without wanting to limit the general significance of my statement, I want to point out for the record that it seems to be necessary for me that the exhibit be produced in the presence of the witness, not only in connection with his document or his written record. If any conclusions to the incrimination of my client are to be drawn, then it must be produced in the presence of the witness.

Q Mr. Witness, in this examination you state that you held the rank of Rottenfuehrer. In what organization were you Rottenfuehrer?

A I was not a Rottenfuehrer. I only received the salary of a Rottenfuehrer.

Q Were you a member of the SS?

A No.

Q Did you wear an SS uniform?

A No, only occasionally.

THE COMMISSIONER: Permit me to interrupt a moment, Mr. Witness. I failed to instruct you in regard to the signal lights. These are the yellow lights and when it flashes on it is to instruct you that you are proceeding too rapidly and the red light, when you see that, you should stop altogether until you are instructed to proceed either by counsel or by the Commissioner; so, if you will observe those rules.

And, furthermore, in connection with your testimony, you may consider yourself free to answer questions as fully as you consider proper in order to tell the actual facts but do not enlarge upon them unnecessarily.

You may proceed, Dr. Heintzeler.

BY DR. HEINTZELER:

Q. You personally witnessed gassings in Auschwitz and Birkenau, is that right?

A. Yes.

Q. How many times did you observe such gassings?

A. In the immediate vicinity I only saw it once, but very frequently from a greater distance.

Q. In your opinion when did the gassings begin in Auschwitz?

A. In the winter of 1941 to 1942.

Q. And the gassings in Birkenau?

A. In the spring of 1942.

Q. How do you know that the gassings were carried out with a product named Zyklon?

A. First of all, I saw that a so-called disinfecter, before he went to Birkenau, had a special filter for the gas mask in his briefcase, which had written on it "Zyklon." Furthermore, I saw that these Zyklon tins were transported from the hospital into an ambulance at the occasion of a gassing action in Birkenau. More than that, I heard very frequently about disinfectors, that they used gas masks in Auschwitz and Birkenau.

Q. You yourself did not see the application of Zyklon for the gassings of human beings?

A. I saw personally that on the occasion of the gassing in Auschwitz, tins were being used; because of the distance I could not read the label. However, at a later time I saw many tins when the gas was filled into the gas chambers Three and Four I saw the characteristic blue grains of the Zyklon B gas.

Q. How do you explain that these grains were lying around the front of the gas chamber?

A. Gas chambers Three and Four were built above-ground and the holes where the gas was filled in were in the walls of the building. As a result, it could happen that when the gas was filled in, grains would fall down on the side which would then lie around on the ground.

Q. Wasn't that dangerous for the people outside the gas chamber?

A. As far as these people were working close on that, they all wore gas masks.

Q. How do you know that blue grains are characteristic for Zyklon?

A. Because I was able to observe fumigations of laundry when Zyklon was used. I actually inspected such a disinfection room of laundry from the inside after the gas had been ventilated off, and I saw these blue grains on the ground. I saw empty Zyklon tins and I consider it absolutely certain that these blue granules originated from Zyklon tins.

Q. Zyklon was also used for combatting insects and for disinfection of laundry in Auschwitz; isn't that true?

A. Yes.

Q. Do you know anything about the origin of the Zyklon tins?

A. During my time in Auschwitz, I did not know it.

Q. Do you know anything about the application of Zyklon for fumigating barracks?

A. No.

Q. Do you know anything about the application of Zyklon for disinfection purposes in the numerous field camps, outside camps, and subsidiary camps of Auschwitz?

A. I know that such fumigations were carried out with Zyklon in the subsidiary camps. I do not know anything about the frequency of these disinfections.

Q. Witness, I do not want to go into details of these horrible things. However, one more point interests me in this connection. Toward the end of your examination you mention that in the camp people talked about these gassings, and during the cross-examination by Dr. Stumme, when he asked you whether this was being discussed outside the camp as well, you answered, "I cannot say that since I was not permitted to leave the camp."

Can you tell me anything more why you were not permitted to leave the camp?

A. In order to leave the camp at that time one needed a special permit. Almost everybody was able to get such a permit, but I was not able to get it because I was sworn to secrecy and my superiors did not give me the permission. This applies only to the year 1942. In 1942 I was called to the RSHA in Berlin, and for the first time at that time I came out of the camp.

Q. Can you give me the exact date when you were called to Berlin?

A. That was shortly after Christmas, 1942.

Q. Did you return later to Auschwitz or Birkenau?

A. Yes, I was sent back later.

Q. At what time?

A. That was on the 31st of December or the 1st of January.

Q. Of what year?

A. Of 1942, or the 1st of January 1943.

Q. Then you were in Berlin only a short while?

A. Only a few days.

Q. And subsequently again you remained in Auschwitz or Birkenau, until 1945?

A. Yes, with the exception of short interruptions for trips.

Q. Apart from these interruptions, you were not permitted to leave the camp?

A. Occasionally after that, after 1943, I was permitted to leave the camp.

Q. What was the purpose for keeping this secret, for the measure to keep these things secret?

A. I was never instructed about the purposes by the SS. Of course I assumed that they wanted to keep those mass murders secret.

Q. Is it correct if I put to you that the SS endeavored to surround these atrocious happenings with the closest possible veil?

A. That is partly correct. The orders emanating from Berlin doubtlessly had this purpose in mind. However, the practical measures were often carried out with such frankness under complete disregard of

the secrecy regulations that I personally often had the impression that they didn't care, the SS didn't care, whether these things became known or not; because sometimes I heard people express opinions to the effect that people in the Reich wouldn't believe this anyway, even if it were reported by civilians in Germany.

Q. Was it possible at all that civilians should gain direct knowledge about these exterminations?

A. Within the area of Auschwitz and Birkenau at least 2,000 civilian workers and employes worked.

Q. These camps were very extensive?

A. Yes, relatively, but they were, at any rate, areas that could be surveyed.

Q. Weren't the extermination installations separate from the camp proper?

A. A few extermination installations were somewhat spaced from the camp proper, but the old crematory of Auschwitz was in the immediate vicinity of the old camp; the four crematoria in Birkenau were immediately next to the camp. And only the gas chambers which were camouflaged as farmhouses were somewhat distant from the camp and hidden from sight by a few trees.

Q. What would have happened to an SS man or a civilian, in your opinion, who was caught disclosing information about the events in the extermination chambers?

A. If a civilian was concerned, of foreign nationality, then most likely he would have been shot within the next 24 hours. If an SS man of no rank was concerned, then most probably he would have been sentenced to death by an SS court. SS men of higher rank might have been transferred, but I don't believe they would have been sentenced to death.

Q Thank you. That is enough for me. I have no further questions.

THE COMMISSIONER: Any other questions from Defense counsel?

Is there re-direct?

MR. MINSKOFF: If it please the Court, only a few questions.

PERRY ROAD, Resumed

RE-DIRECT EXAMINATION

BY MR. MINSKOFF:

Q Now, I understand from your answers to the cross-examination that from January 1, approximately, 1943, on, you could leave the camp itself and go outside to the city where the camp is, is that right?

A Yes, definitely.

Q Now, I don't want to go into the question again as to what happens to civilians or SS men if they are caught divulging information. I am interested in knowing whether, from your own knowledge, you could say how widely it was known in Auschwitz and the city of Auschwitz, in I.G. Farben Auschwitz, the Rum Work that these gassing operations were taking place.

THE COMMISSIONER: Wait a minute, Mr. Witness.

DR. HEINTZELER: Mr. Commissioner, I doubt the admissibility of the question in this form. The witness testified that apart from short trips he was not permitted to leave the camp. He might bring in only hearsay when he answers the question, which I consider inadmissible. Therefore, I object to the question.

THE COMMISSIONER: The record will show your objection, Dr. Heintzeler. Have you anything to say on this, Mr. Minskoff?

MR. MINSKOFF: Yes; the question is proper for these reasons, in the view of the Prosecution. One, the Defense has raised the point of the secrecy laws to create the impression that, because they were sworn to secrecy or because stern punishments were meted out, that information concerning the gasings were not likely to get out from the confines of

Auschwitz itself. Now, if this witness knows that other persons know about it, other than in the confines of Auschwitz itself, there is none who is more competent to testify to that knowledge. He was actually there for many years.

Now, we are just asking him a simple question as: Does he know how widely the gassing operations were known, and then we may further ask him on what he bases that view.

THE COMMISSIONER: Mr. Prosecutor, do you recall -- I do not myself recall -- whether or not the cross-examination took up that phase of this proceeding?

MR. MINSKOFF: Yes, specifically. The cross-examination asked two things: one, as to how often he could leave the camp, for the purpose of showing that he was confined to the camp and then wouldn't know about gassings; and then, Two: Are the Secrecy laws -- He asked whether SS men could talk about it or whether civilians could talk about it. And upon getting his answers that civilians would be sentenced to death within 24 hours and that SS men would probably be sentenced to death also, he was satisfied.

This creates the impression that they were so stern in carrying out the secrecy laws that persons wouldn't know about it. Now, if that impression is false, the Tribunal should know about it.

THE COMMISSIONER: Now, your question is substantially, as I understand it: What did the witness hear --

MR. MINSKOFF: No, my question is this. This witness was in Auschwitz and in and about the vicinity of Auschwitz for several years, and we are asking the witness to tell us to the best of his knowledge how widely known was gassing operations. Now, for example, it is very simple to answer that question without any reference to hearsay at all, depending on how he spoke, to whom he saw, how many persons knew about it.

THE COMMISSIONER: Well, I shall not encumber the record by any expression of opinion as to the admissibility of your question or the propriety of it, but you have made a record of your objection, Mr. Prosecutor, and if the witness here can testify briefly in response to your question I think you should proceed with it, and it may be stricken, of course. You are reserving the right to move against the question, aren't you, Mr. Prosecutor?

MR. MINSKOFF: Well, we are posing the question and we are asking for the answer, and the Defense, I take it, is --

THE COMMISSIONER: That is right. I got it mixed up.

DR. HEINTZLER: I want to base my objection upon another reason. The question placed by the Prosecutor in the re-direct examination has nothing to do with the question that I put during my cross-examination.

To explain this I must mention that my question in cross-examination only referred to the measures of secrecy in the camp itself and not to the knowledge of people outside the camp, what they knew, what they talked about.

THE COMMISSIONER: I think the record has enough in it so that the Tribunal...

And I will ask the Prosecutor to proceed with his question, if he desires to have it answered.

MR. MINSKOFF: For the sake of simplicity I might repeat the question to the witness now.

THE COMMISSIONER: Yes, please do.

BY MR. MINSKOFF:

Q Could you state briefly to what extent, as far as you know, was the knowledge of gassing operations prevalent or commonplace within the area of Auschwitz concentration camp, Birkenau, the city of Auschwitz, Buna, and so on, in that area?

A Within the camp, the knowledge about the mass murders with poison gas was generally known. Everyone of the 100,000 prisoners who

were in the camp during 1943 and 1944 knew that these measures were executed, and everyone of the three to five thousand SS men knew that these gassing operations were carried out. Furthermore, it is doubtlessly true that the 2,000 civilian workers were exactly informed — not only about the fact that mass murders with poison gas were carried out, but also about details. That is to say, figures and the origin of the transports of people. It is a matter of course that this large number of persons spread their knowledge to circles outside, and I knew from my own experience that all of the Polish population in the vicinity of Auschwitz and also the people in Auschwitz themselves were most minutely informed about these measures. The German population were informed about this by way of rumors; the police stations in the vicinity and all the policemen, the many policemen who came to Auschwitz in the course of time as escort troops for the transports could also convince themselves of the accuracy of these facts. The same applies to the personnel of the Reichsbahn (the Reich railroad company) and for the numerous members of army units who were stationed partly in the camp itself and partly in the immediately vicinity of the camp for the various purposes. In Kattowitz and in other cities of Poland I had the impression that the majority of the population was informed about the gassings of human beings in Auschwitz. In Berlin as well at the occasion of a short trip I convinced myself, and that was at the end of 1943, that the number of persons who know about these mass murders by way of rumor had increased and had become very large. The secrecy regulations which provided for the death penalties were only regulations on paper. I know of no instance when a death penalty was actually passed because of a break in secrecy regulations. Because of the large number of people who worked in the camp, it was quite impossible to keep this mass murder of millions of human beings secret.

MR. MINSKOFF: No further questions of the Prosecution.

RE-CROSS EXAMINATION

BY DR. HEINTZELER:

Q Witness, you described a short while ago what penalties were meted out to a person who was caught divulging these secret matters. Now, you gave us your opinion about the fact to what extent the rumors were common knowledge. Would it be correct if I say that if the rumors were expressed they were only expressed in whispers and only be selecting very carefully the persons to whom these rumors would be imparted? That is to say, everybody who knew something about it would think twice about the people he would inform?

A Not at all. The foreign workers who was in Auschwitz and who saw these things would tell other foreigners about it without any restraint, and even German civilians talked about this quite frankly and as a matter of course. It is quite evident that these conversations would not be carried out in the presence of some SS officer or party functionary, but among civilians, even in the railroad, these conversations took place quite frankly and openly. I myself heard and observed how on a train going from Czestochowa to Auschwitz — that is, between camps Birkenau and Auschwitz — a civilian pointed out to his fellow travelers that they were now passing a concentration camp and that they could see the masses of corpses burning. As a result, all the passengers got up and tried to see as much as they could through the window of the train.

Q I have no further questions.

DR. TREBANDT: Dr. Trebandt for the Defendant Duerrfeld.

BY DR. TREBANDT:

Q. Mr. Broad, I have only a few questions. As you said, from 1943 on, you were able to leave the camp and move about freely in the vicinity. Did you yourself talk about these incidents and happenings in the camp with anyone outside?

A. Yes, I did.

Q. With whom?

A. I talked to Polish civilians, and, besides that, also to German policemen.

Q. First of all, you said that in the presence of SS officers and functionaries of the Party people would generally not speak about these things.

A. Yes, I did.

Q. Do you know anyone of the functionaries of the Party in Auschwitz?

A. No, I don't.

Q. But you believe that people did not generally impart these rumors to these functionaries?

A. That is not to say, however, that these people did not have an opportunity to get clarification about these rumors to them, and you answered --

A. Yes, from the vicinity and from the surroundings of these people, people did approach them with these rumors.

Q. Then, I must ask you whether anyone close entourage of these persons dared impart these rumors, for I assume that they were surrounded only by people who shared their opinions, and I ask you whether any one would dare approach the entourage of these functionaries.

A. Nobody was needed to do that because the Party functionaries in Auschwitz lived in the suffocating stench of burning human

flesh for three years, and that was sufficient to show them quite clearly that mass murder was being carried out in Auschwitz.

Q. Do you know that the SS gave the reason for those burnings that they could not keep secret, by saying that they were caused by the epidemics prevalent in Auschwitz constantly, and that some people died that they could not take care of; so they burned the corpses within the concentration camp?

A. The attempt was made to give this improbable reason, but I know just as well that very few people believed this quite improbable reason.

Q. You said just now that there were only a few who believed this. Who were they?

A. I did not know any who did.

Q. I have no further questions.

BY DR. HEINTZELER:

Q. Where do you reside at the moment?

A. In the witness wing.

Q. Where do you live generally? Where are you going back to?

A. I'm going to Munsterlager.

Q. Why do you live in Munsterlager?

A. Because I see no reason for leaving it.

Q. What is your present occupation?

A. I am an employee in Munsterlager.

Q. In the camp administration?

A. No, it has nothing to do with the camp. That is the name of the place. It is called Munsterlager.

Q. Who employs you?

A. A civilian firm.

Q. Can you give me the name?

A. Yes -- Mueller and Livermann.

Q. What type of activity do you carry out?

A. I am a clerk.

Q. You are a Brazilian national?

A. Yes.

Q. Do you intend to return to your native country?

A. Yes, I do.

Q. Have you undertaken the necessary steps to do so?

A. Yes, I have.

Q. Why can you not return to your place --

MR. MINSKOFF: One moment, please. I have no objection to this question's coming through, your Honor, but it seems to me that the whole line of questioning is completely irrelevant and is taking the Commission's time

THE COMMISSIONER: That is my opinion, but I am not ruling on it. I think, Dr. Heintzeler, you're going outside the scope of the cross examination, but if you consider these questions are beneficial to your client and they can be stated briefly I won't stand in your way.

You may proceed.

BY DR. HEINTZELER:

Q. Would you then please answer my question -- what is holding up your return to your native country?

A. Yes, gladly. I have to pay my return back in foreign currency, and at the moment I see no chance of getting the foreign exchange to pay my trip home.

Q. The procurement of foreign exchange for such purposes is subject to a permit of the authorities.

A. It is impossible unless one actually has them in his possession abroad.

Q. But the obtaining of foreign exchange is subject to a permit of the authorities, according to Control Council Law No. 52.

THE COMMISSIONER: Dr. Heintzeler, I am going to ask you to

defy, for the purpose of the record, the idea of this cross examination. What is it intended to apply? How does it apply? How is it relevant?

DR. HEINTZLER: The questions, which are really concluded, were intended to determine whether the witness is in any state of dependency, which might be of some importance for judging his testimony; but I have no further questions.

THE COMMISSIONER: Very well. That is an answer.

Is there any further examination desired by the Defense?

You have nothing further, Mr. Prosecutor?

MR. MINSKOFF: No further questions.

THE COMMISSIONER: The witness may be excused.

Has the Prosecution any matter to bring before the Commissioner for the purpose of the record of otherwise?

MR. MINSKOFF: No, your Honor.

THE COMMISSIONER: How about the Defense? Is there anything from any of the members of the Defense?

I think that this probably concluded the examination of all witnesses who can be produced in Nuerenberg, but, of course, that is not definitely determined, and, for that reason -- Do you have something you wish to say, Mr. Minskoff?

BY MR. MINSKOFF:

I only want to point out that efforts to obtain the witnesses who have not yet been examined are continuing, as there is always the possibility that some might show up.

THE COMMISSIONER: I have that in mind, Mr. Prosecutor, and for that reason the recess today will not be a final one, but the Commission will be subject to call in the event that any witnesses can be presented here, whose oral testimony can be taken.

We'll recess on those terms.

(The Commission recessed at 1215, subject to call when necessary)

1948
19 January-M-IL-1-1-Leonard (Int. Katz)
Court VI Case VI

Official Transcript of Military Tribunal VI
in the Matter of the United States of America
against Carl Krauch, et al, defendants,
sitting at Nuernberg, Germany, on 19 January
1948, Judge Curtis G. Shaker presiding.

THE MARSHAL: Persons in the Court room will please take
their seats.

The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the
United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE MARSHAL: May it please Your Honor, all the
defendants are present in court.

THE PRESIDENT: Are there any preliminary announcements
from the Defense?

DR. BOETTCHER (Defense Counsel for the defendant Krauch):
Mr. President, may I ask whether the Tribunal is now in
possession of the seven document books for Krauch in the
English translation, or do I have to take care of that again?

THE PRESIDENT: I think we have only your Book # 4,
which was delivered to our offices this morning. However,
Dr. Boettcher, I may say to you that the head of the Language
Division told me Saturday evening that, by this morning, he
thought all of your books - seven or eight, whichever it was -
would be ready for delivery. That's unofficial, but it
Just a moment, please. The Secretary General's office tells
me that he is making inquiry now to see where the books are,
and I'll ask him to keep you advised about it, too.

DR. BOETTCHER: If the books are not before Your
Honors, I cannot begin with the presentation of my document
books today.

THE PRESIDENT: We ought to know something very
shortly about the possibility of the prompt delivery of the

books, and I'll see that you're advised if we receive any information along that line.

DR. BOETTCHER: Thank you very much.

THE PRESIDENT: Anything from the Prosecution?

MR. SPRECHER: No special announcements, Mr. President.

THE PRESIDENT: Then the Prosecution may continue with the cross examination of the defendant Krauch.

CARL KRAUCH - Resumed

CROSS EXAMINATION - Continued

BY MR. SPRECHER:

Q Dr. Krauch, the Prosecution has agreed with you that Koppenberg was given plenipotentiary powers by Goering to develop aluminum in Norway. Now, did Koppenberg approach you about assistance in the Norway project because you were G.B. Chem., because you were head of the Reich Office for Economic Expansion, or because you were a leading official of I.G. Farben?

A Koppenberg approached me because he considered me an expert for judging these projects technically. Koppenberg was not an expert. He was an engineer, an expert in the airplane construction field. He asked me for my technical and scientific counsel.

Q Yes, Doctor, I think we understand that, but there were other experts available and, to mention others, Dr. Burger for example. Why did Koppenberg approach you, and in what capacity did he approach you?

A Dr. Koppenberg wanted to have some experts named to him who knew the details, and that was probably the reason why he turned to me, because he knew that I was acquainted with and could judge the various gentlemen from the aluminum and magnesium industry.

Q Were you charged officially by Koppenberg or any other Reich authority with the responsibility for seeing that construction and technical processes and procedures in connection with the Norway project were properly accomplished? Were you charged officially?

A I was not charged officially. I was merely told to advise him about the development of these plants. Making available the materials and the procurement of labor was entirely the affair of Koppenberg.

Q But, throughout the project, you had a responsibility to Koppenberg in connection with making technical recommendations and giving a certain technical supervision to what was going on with respect to the Norway project, is that not correct?

A I did not have technical supervision in this matter. I merely had to advise Koppenberg whether the process suggested - in order to make it clear, I'll give you an example. It had been suggested by Norsk-Hydro that the alumina be produced from a mineral, labradorite, which abounds in the vicinity of Rjukan (that is the Norsk-Hydro plant). Koppenberg asked me whether that process was feasible.

Q All right, Doctor, if the details should be relevant, your counsel can go into them later.

Did you personally feel that you were under orders or compulsion by the Third Reich to assist with respect to this Norway project?

A I was certainly under the impression that I was to aid in this matter in the way in which I have described it to you.

Q Did you feel under compulsion - if I may repeat the question - did you feel under compulsion of the Third Reich

to assist with respect to the Norway project?

A Yes, certainly.

Q All right. Now, did you feel that Farben leaders were under orders or compulsion by the Reich to participate in the Norwegian project, so that any reluctance by Farben leaders would have been categorized as sabotage of a type which would have led to some penalty such as the People's Court?

A I didn't understand the last sentence. Please repeat it.

Q I'll repeat the entire sentence. The entire question.

Did you feel that Farben leaders were under orders or under compulsion by the Reich to participate in the Norway project, so that any reluctance by Farben to participate would have been characterized as sabotage of a type which would have led to some penalty, such as the People's Court?

A I assume so, certainly.

Q Did you observe any signs of reluctance by any Farben leaders to engage in this alleged compulsory action?

A I.G. Farben was certainly convinced that development in the extent planned by Koppenberg was not a sound business economically. That may be the reluctance of Farben that you asked about. However, they had to comply with the will of the government.

Q I think you misunderstood my feelings with respect to reluctance. I don't see any reluctance in any of the documents. I would say, on the contrary, Doctor, that there's a certain initiative displayed, and that's what I was asking you about. Do you see any reluctance in the documents between these various companies which were to take participations, as to reducing their share or as to keeping out of the Norway

project entirely? Did you notice that at all?

A I believe I have expressed sufficiently that Farben could not act any differently. If they had shown any reluctance it wouldn't have been very healthy for them.

Q Well, they could perhaps talk rather freely to you. Did any of the Farben leaders inform you that the Norway project was a bitter pill which they were forced to swallow by the Reich Government?

A That was probably expressed in conversation, but that didn't help me very much, because they had to swallow the pill.

Q Did you hear any of them describe it as a bitter pill; and, if so, tell us which Farben leaders told you it was a bitter pill?

A I believe that I can not add very much to what I said a little while ago.

Q Dr. Krauch, before the occupation of Norway, is it true that the most important project of Norsk-Hydro was nitrogen and nitrogen products?

A Yes. Nitrogen and nitrogen products.

Q Dr. Krauch, did you know that, under the plans of the time with respect to the Norwegian project, Norsk-Hydro nitrogen production was to be "strangulated" - to use the word in the document - "strangulated" - was to be "strangulated", if necessary, so that there would be enough electric current for the new light metal industry?

A I do not know that. On the contrary, I know that before this war I. G. Farben I believed tripled the production of Norsk-Hydro; they were willing to grant licenses to Norsk-Hydro for nitrogen process, thus to increase production, not to strangulate it.

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Q. Dr. Kraush, I wasn't talking about what Farben did or did not do for Norsk-Hydro before the occupation of Norway. I'm talking only about the Norway project of Koppenberg and other people after the occupation of Norway. Perhaps, if I refer you to Exhibit 1195, that's NI 8145, Document Book 65, English page 50, German page 98, that will refresh your recollection. In the first paragraph, about ten lines down, may I quote the sentence:

"Until the power plants in Moor are ready, the firm Norsk-Hydro is to provide current for the new installations, if needed be, by strangulating its production of nitrogen."

A. That's contained in this document as you have read it. This is a meeting which was held by the Antsgruppen chief for the Minister of Aviation. The important men of the Ministry of Aviation were present. The meeting was held in February 1941. That's quite a while after the occupation of Norway, when all these questions were cleared up. As I understand it, a certain pressure was to be exerted upon Norsk-Hydro by the Aviation ministry, for the promotion of lightmetal production, to "strangulate" nitrogen production.

Q. You testified that Moschel was put at the direction of the Nordag Company. Is it not true that you made the appointment or else recommended the appointment of Moschel as General Manager of Nordag?

A. That's correct. Dr. Koppenberg asked me to name experts to him. Among them was Dr. Moschel, who was quite willing to undertake that task.

Q. Now, at the time the Norway project was undertaken, do you agree that at that time Germans generally felt that Germany would win the war and hence be able to accomplish in practice the Nazi theory of "greater economic space" - Grosswirtschaftsraum?

A. It is very possible that very many Germans thought along those lines. I myself, however, was of a different opinion.

Q. At the time of the invasion of Norway you already thought that the war was lost for Germany?

A. In government circles it was expected at the time that a peace treaty would very quickly be concluded with England. I remember a conversation with Minister Todt, who enjoyed the absolute confidence of Hitler at the time. In this conversation I said to Dr. Todt, who was convinced of a victory: "I believe we cannot speak about that today. Times may change." That's what I meant when I said I had doubts.

Q. Did any Farben officials--and if any did, please give us their names--tell you at the time of the Norwegian project that they had extreme doubts whether or not the "greater economic space" theory would be able to be applied in Norway or not? Did they discuss it with you at all?

A. I do not believe that such questions were discussed with me. There

was no reason to do so. I do believe, however, that the men from the Farben administration, believed that such a desire was only a theory that could not be put into practice.

Q. Now, you testified about a scientific laboratory at Amsterdam. You said you reported to the Reich authorities that the research there would be upon fuel for jet planes which was important for the war effort, even though you knew that this research would have no importance during the war. Have I properly summarized?

A. That's absolutely correct.

Q. This is particularly interesting since you were a member of the German Academy for Aviation Research from 1937 on, as Exhibit 300 indicates. Your own certificate. Now, if you had known, Dr. Krueh, that the Amsterdam research project would have had importance for propelling jet planes during the war, would you then have personally been against Dutch scientists working for German aviation?

A. Perhaps I have not explained sufficiently clearly.

Q. Well, just

A. Please?

Q. Just a minute, Dr. Krueh. Whether or not you were clear before, suppose you answer this question, if you can, and I'll repeat it. If you had known that the research in this Amsterdam laboratory was going to have effect, practical effect during the war for German aviation, would you then have been against the using of Dutch scientists for work for German aviation?

THE PRESIDENT: Aren't you getting into the field of speculation now when you assume - to ask the witness what he would have done under certain circumstances? Aren't you getting into the field of speculation, Counsel, when you inquiry of the witness how he would have acted under certain circumstances which did not obtain, and it's purely a matter of speculation, is it not?

MR. SPEECHER: As far as the specific inquiry is concerned, Mr. President, your statement is certainly correct. I was using that as a bridge to another topic. I can ask the question more generally and I think clear it up.

I'll withdraw the question.

Dr. Rauch, in those cases where you did observe that foreigners were being used in their own country directly in connection with a project which was useful to one of the branches of the German Wehrmacht, were you personally against having those foreign citizens working on such a project, or were you not?

Is that all right, Mr. President?

THE PRESIDENT: It's all right with us.

THE WITNESS: I can answer your question by saying that I was in favor of this if those professors were voluntarily prepared to undertake such work. I would have been against it if those people, for patriotic reasons, for instance, had refused to do this work.

BY MR. SPEECHER:

Q. Now, you testified that you were opposed to dismantling nitrogen factories in occupied Holland, Belgium, and northern France. Do you recall, even before this time, having yourself requested that certain machinery from part of the occupied territories be transported to Germany for assembling in war plants there?

A. I do not know what instance you mean, but it might, of course, have happened that certain plants were inactive, that their machinery could no longer be operated, for various reasons, and that a case might have arisen where, by voluntary agreement with the firms concerned it would have been arranged that this machinery be brought to Germany.

Q. Well, suppose we start out with a specific plant. Do you remember the so-called Simon Pit near Siering-Wendel (S-i-e-r-i-n-g - W-e-n-d-e-l)? That was in that little piece of Lorraine which was occupied before all of France was overrun. Do you remember this pit in any recommendations you

made about bringing machinery from there to Germany?

A. No.

Q. To refresh your recollection, I'll refer you to a letter written by your office to the Wehrwirtschafts- und Rüstungsamt, (the Military Economy and Armament Office), on 13 February 1940.

Mr. Secretary, will you mark that as next in order?

THE PRESIDENT: What is the exhibit number, Counsel?

BY MR. SPRECHER:

The exhibit number is 1840 for identification, and I'm now..... The NI number is NI 13508, and I herewith hand copies to the Secretary of the translation.

Q. Dr. Krauch, in paragraph 2 and paragraph 4, may I suggest that it appears that your office was quite interested in transferring certain machinery. Would you agree with me?

A. That's correct. These are machines which were in plants that had been inactivated and which could not or were not to be operated again.

Q. Who had inactivated them, and why were they not to operate again?

A. Perhaps there was nobody there who could have used the current, or perhaps it was some other matter that I cannot now judge. I would have to investigate that case once more, which of course I don't have the chance to do now.

Q. Well, suppose I ask you a few more questions about it. Do you recall whether or not this led to any discussions of international law at the time, in which you became involved or of which you had knowledge?

A. No, I do not remember that.

Q. Do you remember whether or not there was any discussion of international law by the higher authorities in 1940, just before or just after all of France was overrun, concerning that foreign countries would think (I'll take it away from the basis of what international law was) but what foreign countries would think if Germany took machinery out of France?

A. I cannot say that any more now.

Q. Do you remember whether there was any discussion about the fact that the taking of such machinery in the first World War had had a bad influence upon world public opinion, and hence there was some question as to whether or not a similar practice should be followed in the second World War?

A. I cannot say that now any more. I believe I have shown my opinion on this matter sufficiently in the case when the northern French, Belgian, and Dutch nitrogen plants were dismantled. I believe that is a sufficient indication of my views.

Q Now, I'll show you another document, which is NI-13507. That will become Prosecution Exhibit 1841.

Mr. President, I have three English copies. They didn't have more. I'll see that further copies come to you later.

THE PRESIDENT: Are you marking this merely for identification at the time?

MR. SPRECHER: At the moment, yes.

DR. BOECHER: Mr. President, it has been pointed out to me that my colleagues of the Defense also would like to have copies of these documents, because in the direct examination they have to ask questions based on them. It is not enough for me alone to get a copy.

MR. SPRECHER: Mr. President, I think this is a very appropriate time to discuss this question. As I understand it, during cross-examination the Prosecution may show the witness any document that it chooses, provided the usual requirements of relevancy are maintained, and once, of course, the document is in the hands of the witness, then defense counsel may look at the document when they come to re-direct examination; but that there is a period when a document is merely shown to the witness and merely marked for identification, when it is not necessary to have any copies for defense counsel. As a matter of fact, there's a policy against it, if the adverse party, whoever it may be, does not choose to have additional copies for reasons of surprise. Now, if we're to offer the document, that's different. Then, there must be copies and an opportunity to object to the introduction of the document itself. There are very many, many cases, Mr. President, where questions raised by the defense counsel in direct-examination lead to points where the Prosecution has documents which have not been processed, and if there are any such rules to having copies, we indeed wouldn't be able to do our duty in bringing to this Court the true facts, by using those documents during the cross-examination, and that is the reason for this rule, among other reasons, I should say.

THE PRESIDENT: Now, I'm not positive that my ideas conform either

to the rules, the practice, or the precedent; but I am of this impression, which I would be very glad to have you test, as well as ascertain from my associates whether they are of the same opinion. That is thus: That when the Prosecution, for example--and it will apply likewise to the Defense--when the Prosecution wishes to refresh the recollection of a witness with a document, the Prosecution may have it marked for identification only and pass it to the witness, but that having done that, the document must then be made a part of the files of the Court and available to the adverse party. That would not impose upon the Prosecution the burden of translation or furnishing copies, as long as the use of the document was merely to refresh the recollection of the witness, but the document, nevertheless, must go into the files where it is available to counsel for the adverse side. That's half the story; the other half is this, as I understand it: If the Prosecution subsequently decides to introduce the document in evidence, then the document must be translated and made available under the general rules prevailing with respect to documents. That's the way I understand it, and I think that's been consistent with our practice in this case. If we're proceeding on a wrong basis, I should like to know it.

MR. SPRECHER: I was about to observe that during the Defense case a number of documents were marked. We made no objection, because we thought that was the proper practice; and in no case, even to this day, has the Prosecution received any copies of any of those documents.

THE PRESIDENT: I think that's entirely consistent. I don't think the Prosecution is entitled to have the document processed and put into its hands merely because it has been marked for identification. But if it has been marked for identification, then the document so marked belongs in the files of the Secretary, from that moment on, and is open to inspection by the adverse party, so that we thereby obviate the necessity of translation and processing of documents that are merely used to refresh the recollection of a witness and are not subsequently introduced in evidence. It seems to me that that's a rather consistent

practice, and I'm assuming that that's in accordance with the established rules of procedure, and unless it can be pointed out that we're in error on that I think we'd be inclined to follow that practice.

MR. SPRECHER: Mr. President, I may say that that with respect to the first several documents, we have given the copies that my assistant was able to get this morning to Dr. Hosttcher, since we're not right at a recess or anything like that; and we shall continue to follow that practice, mainly because we think it saves time and because it is a convenience and a help all the way around. We don't feel that it is done as a matter of obligation, but as a matter of courtesy and convenience; and if we have more copies, which I do have in some cases, we shall give them out, unless there's some special reason we have for not wanting to do it.

Now, the second point--we do intend to offer these documents as soon as we have enough copies, and when we do, naturally we will want defense counsel to have the proper number of copies, just as if we were in our case in chief.

THE PRESIDENT: Very well.

MR. SPRECHER: And we'd like to make the reservation that since we don't have copies in all cases this morning, provided a document is relevant, at the opening of a session later on, or at the close of a session when there is something else pending, we'll offer these documents to the Defense throughout the rest of the Defense case, for what they may mean.

THE PRESIDENT: Dr. Seidl.

DR. SEIDL: Mr. President, I consider it my duty to point out to the Tribunal something which may be of great importance in connection with these documents. As far as I can see, in the trials up to now it was customary for the Prosecution to make available to all defense counsel and defendants copies of documents that were submitted to a witness during cross-examination. This was justified, because the Prosecution later introduced into evidence the documents which it at

first merely offered for identification. The Prosecution would submit a list to the Tribunal on the last day immediately before the final speeches, a list in which they said that all documents that up to now have been offered for identification, would now be introduced into evidence, and they were actually then introduced in one volume as exhibits. If only the defense counsel directly concerned gets a copy of the document, then the other defendants or defense counsel do not have a chance to express their opinion about it at any time. This violates the principle of paramount importance in all trials, which is the right of the defendant to be heard. For this reason I ask the Prosecution to consider whether it would not be more expedient from the very beginning to make available to the defense counsel copies of documents offered for identification.

THE PRESIDENT: I think we understand each other. I don't think there is any necessity of imposing upon the Language Division the matter of translating and processing documents that are only used momentarily to refresh the recollection of a witness. Perhaps it may be as to a date or a name that he can't think about. Counsel for one side may say, "Perhaps this will refresh your recollection," and that's the end of it so far as the Tribunal is concerned. As a matter of protection for the adverse party we take the view that when you do pass any document to the witness, then you must put that permanently in the files where it is available to the other side on equal grounds if they wish to go to the Secretary General and inspect the document. Now, if subsequently a document marked for identification is to be introduced in evidence, we shall expect that the document be processed, translated, and distributed in accordance with the general prevailing practice so that it is available to all of counsel for the Defense who may wish to go into the matter. I don't believe that that can harm anyone, and it's orderly and will not unduly burden and administrative staff. And, unless it is subsequently pointed out that this ruling violates established precedents of the Tribunal or some rule,

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it will be the rule of this trial, and I think that will take care of everybody.

MR. SPRECHER: I have known Dr. Seidl for a long time, and I think he and I will understand what I say when I do say that we will see to it that he is not surprised at the last day of the trial by a lot of documents which have been identified, but whose copies have not yet been made available to the Defense. We'll not do that.

THE PRESIDENT: Very well.

CROSS-EXAMINATION (Continued)

BY MR. SPRECHER:

Q Now, Dr. Krauch, this document of 23 February 1940 indicates to us that this question of the legality and the political expediency of taking this machinery from the Simon Pit was referred to the Economic Staff of the Army. You had knowledge of that, did you now, at the time--now that your recollection is refreshed?

A The letter before me is a letter which General Becht, a member of the OKW, sent to the Military Economy and Armaments Staff (We Rue Stab), and not to me. Therefore, I could not have known of this letter. But--

Q That's all I want to know. You could not and did not know of it. Is that right?

A I actually did not know of it. It can be seen quite clearly that the letter asks whether there are any misgivings, as is said here, for political reasons, against the dismantling of this machinery. If this was not the case, that is, if there were no political objections, then the OKH is requested to undertake the evacuation. This even indicates the method by which it is to be done.

Q Dr. Krauch, I don't want to make too many suggestions to you about your testimony, but for my purposes it was sufficient when you said you did not have knowledge of the document, and what the document says the Court will later be able to determine, or if there is some special point your defense counsel can talk to you, you can tell him about it, and he can ask you about it later. I'm sorry, Mr. President.

THE PRESIDENT: Well, we've had an unnecessarily long answer and an uncalled-for observation of counsel, and now the record is burdened with unnecessary remarks from the Tribunal; so let's go on.

MR. SPRECHER: Thank you.

BY MR. SPRECHER:

Q I'll ask you further, Dr. Krauch, if you now remember that this

question was referred to the Foreign Office for their views.

A I cannot remember. That I must conclude from the letter, now that it was actually done.

Q To refresh your recollection I will show you NI-13506, which will be marked as Prosecution Exhibit 1842 for identification. Would you look at the second paragraph? This is a letter of March 1940 from the Economic Office of the Army to the Foreign Office. I'm sorry—the document is from the Foreign Office. I couldn't tell from the German copy here. Does that refresh your recollection, that the point was passed on by the Foreign Office?

A I can see from the letter that the letter was sent from the OKW to the Foreign Office. I, of course, had no knowledge of this letter, for it was a matter for the OKW to discuss with the Foreign Office, and there was no reason why they should come to me about it.

Q Well, Dr. Krauch, I didn't mean to ask you if you merely had knowledge of this particular letter. My question was phrased, as I remember, to ask you whether you knew that the matter had also been referred to the Foreign Office, not whether you merely knew of this particular letter.

A I did not know that the Foreign Office was concerned with this affair.

Q Did you know that the liaison officer of the High Command of the Armed Forces wrote a letter to Reich Minister Todt, at that time head of the Ministry of Armaments and Munitions, in which your office is mentioned rather prominently, which did say that the High Command had made the decision that this machinery which you have previously requested was to be used?

THE PRESIDENT: Mr. Prosecutor, these documents speak for themselves; and isn't it sufficient to inquire of the witness as to what, if anything, he knows about the whole subject-matter, and get this over in one or two questions? I think he has indicated so far that it's something that he personally knows nothing about or does not

recall, and as to what the documents show as to what offices intervened in it, that would be apparent from the document. It looks like you ought to be able to accomplish it pretty directly with this witness as to whether he remembers anything about it or not.

BY MR. SPRECHER:

Q I will show you, then, Dr. Krauch, NI-13505, which will be marked for identification as Prosecution Exhibit 1843. In the third paragraph there is some mention about Engineer Quack of your construction personnel having discussed the matter further with the High Command. Does that refresh your recollection that your office was involved in this question?

A I know Oberingenieur Quack very well. This letter, again, is one sent from the OKW to Todt, so that I knew nothing about this letter either. The letter states that the machines had been released by the OKH and were to be used by the Four-Year Plan. This is really a directive from the OKW through the OKH, the Supreme Command of the Army.

Q But it does state that you personally were advised of the decision of the High Command, does it not, in the second paragraph?

A That can be seen from the second paragraph, but quite frankly I really cannot remember every one of these thousands of letters, and especially I cannot remember letters that were not even addressed to me. Nobody can expect that from me.

Q Again, Dr. Krauch, I wasn't asking you if you had seen the particular letters or if you recalled the particular letters. I was asking you if you recalled the subject.

A Yes.

Q Now, after the occupation of the Sudetenland did any of the members of the I.G. Farben Vorstand inform you about the proposed acquisition of the Aussig and Falkenau plants in the Sudetenland?

A I did know that negotiations were being conducted, but since I was only formally a member of the Vorstand I was not informed about

the details.

Q Were you informed of the proposals which were made by Farben and von Hayden, the two chemical firms, to the Ministry, with respect to the technique to be used and the proposals generally for those firms acquiring an interest in the Aussig and Falkenau plants?

A I cannot remember that.

Q Do you remember specifically whether Dr. Ilgner sent you communications to this effect, giving considerable detail?

A It is possible that such a letter was sent, but I cannot remember that. Many letters were sent to me that I do not remember today. It certainly had nothing directly to do with my functions.

Q Were you informed that one of the reasons why Czech citizens were not to be allowed to participate financially in the reorganization was for reasons of the Four-Year Plan, and because Czech membership in the management would endanger both civil and military economy? Do you remember any such proposal as that being referred to you in any way?

A I cannot say.

Q You don't remember it?

A I do not remember.

Q Was it customary at that time to exclude any participation by foreign countries and I am referring to October 1938, just after the Munich Agreement, on the grounds that participation by foreign countries in any plant of the Four-Year Plan would endanger military economy? Was that customary at the time?

A I believe that it was said on occasion that the Government did not particularly like it, but, for instance, the construction of the gasoline plant in Pöchlitz shows very clearly that foreign firms could still participate in the construction of German plants.

Q I will show you Document NI-13541, which will be marked as Prosecution Exhibit 1844 for identification. This is a letter of 26 October 1938, from Dr. Ilgner and Kuersten to you personally,

which encloses copies of the joint requests of the firms von Heyden and I.G. to the RWM, as well as a number of other matters, and Ilgnar mentions, among other things, that he's submitting some of this "for your private information." Does this refresh your recollection that you were informed of these proposals that were actually made to the RWM, the Reich Ministry of Economics?

A I do not remember this letter either. It says "for your private information." I believe that some of these letters reached me, but I really doubt that I read this very extensive document.

Q Will you turn over to Page 4 of the last attachment? The last attachment is six pages long. Will you turn over to page 4 of that last attachment? Just read there where the Four-Year Plan is mentioned and where the question of participation by the Czechs is mentioned.

A That's very hard to read. It's a very poor copy.

Q Dr. Krauch, I'll give you the other copy. I think it's better. If you'll just read down to the point where this proposed report which was forwarded to you by Ilgnar and Kuersten states that, "a Czech participation cannot be conceded by the German side, since it could not be avoided then to grant corresponding rights to the Czech partner, namely, membership in the management which would give him knowledge of production. The danger resulting therefrom is manifest in the field of both national and military economy."

Do you remember this point now?

A. I do not remember that point. It is true that it is so contained in the letter. It is pointed out here that the construction of this plant was carried out in the interest of the Four-Year Plan and in the interest of the Sudeten German development program. That is an industrial measure that was taken there. I really cannot judge for what reason they did not want to have the Czech partners participate.

Q. We will then pass to the topic of slave labor, as the Prosecution has described it, Dr. Krauch.

First, Dr. Krauch, I have a rather simple matter. At page 5208 of the English transcript, Dr. Doettcher, in talking about some Gestapo requirements with respect to an "Erziehungslager" at Ludwigshafen, translated, or called that in the German, a "Lager fuer Weltanschauliche Schulung," a "camp for ideological training", which we don't accept to be the same whatsoever. Now, let me ask you the question. I am not talking about a Party ideological camp for indoctrinating Germans to be Nazis, or anything similar to that. I am talking merely about an "Erziehungslager," a disciplinary camp for workers. Is your answer the same with respect to that. You don't know anything about the creation of any such disciplinary camps in connection with Farben work camps — in connection with Farben foreign workers?

A. I myself never saw such a correction camp or disciplinary camp in my various inspection trips to the plants. I knew that various measures were employed in order to reward workers who worked very well, by instituting a premium system.

Q. That is another topic. Dr. Krauch, did you know that a substantial number of the concentration camp inmates, particularly those who worked at the Farben-Auschwitz plant, were of Jewish extraction?

A. Yes, I did know that.

Q. In view of the propaganda and the incitement which had been conducted concerning Jews in Germany from 1933 until 1940, did you think that the German guards and the SS officials at Auschwitz were really treating the Jewish inmates generally in a human way?

A. I do not assume that the SS treated these Jewish workers very humanely. For that reason it seemed better to me for these Jewish prisoners to work in an industry where humane treatment for them was guaranteed.

Q. You have heard considerable indications by your — by some of the Defense Counsel in the cross examination of witnesses that Farbon had no responsibility in connection with the treatment of these people. Do you still maintain your testimony now?

A. I do still maintain my testimony, for I knew that these inmates were not supervised by SS guards in the plant but by foremen of the various firms and of I.G. Farbon. I believe I stated that on direct examination. I convinced myself that that was true when I inspected the plants.

Q. When was the last time that you passed upon the establishment of a separate concentration camp which was situated close to one of your so-called G.B. Chem. plants?

A. I personally saw that in Auschwitz. I know that towards the end of my activity, beginning with the spring or May of 1944, quite a few concentration camp inmates were employed. This was not done through me, however, for I no longer had anything much to do with these labor questions. That was done by the Commissioner who was appointed at the time who took over my activity and who had quite different plenipotentiary powers from mine.

Q. Well, do you remember the last concentration camp which you recommended be set up as a separate concentration camp near one of the G.B. Chem. plants? If you don't remember it, why, just say so.

A. I do not remember.

Q. Now, apart from Monowitz at Auschwitz, how many special concentration camps or branches of concentration camps were set up to furnish manpower for construction projects within the so-called "K plan" — Karinhall or Krauch plan? How many special concentration camps?

A. I cannot say.

Q. Do you recall any case where you and representatives of your office in Berlin made decisions that a separate concentration camp was to be

established to furnish gunpower to a G.B. Chem. plant? Do you recall any instance?

A. No.

Q. Do you recall any instance where you made a decision that prisoners of war were to be transferred from one G.B. Chem. plant to another G.B. Chem. plant? Any instance?

A. I do not remember any specific instance. I do remember that this occurred. If I am informed correctly, also in the case of concentration camp inmates. This is in answer to your previous question.

Q. You have now recalled that you did make recommendations to establish separate concentration camps?

A. No, not at all.

Q. Well, will you answer my last question again, then? Do you recall any case where you made a decision that prisoners of war were to be transferred from one G.B. Chem plant to another? And I am speaking in terms of a hundred people, or 200 people or 300 people, not one or two or six.

A. I do not remember any particular instance, but I believe that something like that did happen.

Q. Do you recall approximately how many times you made such orders for transferring prisoners of war from one place, from one G.B. Chem. plant to another, and approximately how many prisoners of war were involved in those transfers?

A. I was not able to take such a step independently. I had to accept instructions that the Armament Ministry considered such a step essential and that it was necessary, at the request of the Armament Ministry, to undertake such a step.

Q. You mean you never took the initiative to suggest the transfer unless this actual transfer had been suggested to you by the Armament Ministry?

A. Yes, that is right.

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Q. I show you Document NI-135112, of which I do have sufficient copies, your Honors. That will be marked as Prosecution Exhibit 1845 for identification. The document

for it is not long. I will let you read all of it before I ask you any questions.

Now, first, Dr. Krusch

THE PRESIDENT: Just a moment. You had better wait until he has had an opportunity to read it.

MR. SPEECHER: Oh, I am sorry.

Q. Have you finished reading it? You tell me when you have finished reading it.

A. No, I haven't finished it yet.

I have read it now.

Q. Now, first, can we agree that AZ stands for Auschwitz and HE stands for Heydebreck in this document?

A. Yes, I believe that's right.

Q. Now, would you look at paragraph 2? The English indicates that you ordered the transfer of 300 English prisoners of war from Auschwitz to Heydebreck. Is that true?

A. That's true. I have to describe this incident. It occurred in February 1944. The Armament Ministry demanded that the glycerine plant which had been constructed at Heydebreck should be furthered and promoted by all means and that for that purpose it was necessary to increase the inadequate number of workers at Heydebreck even as is said at the end of the letter, if buna and diglycol should be delayed and for that purpose workers should be transferred from these places to the Heydebreck construction site. This letter, which contains the record of a meeting, describes the situation.

Q. Now, that meeting you and Dr. Ritter and Duerrfeld were present copies went to some additional gentlemen, including some people from your Labor Staff and to Dr. Ambros — the defendant Ambros. Was this project to set up the separate concentration camp at Heydebreck accomplished, or was it not? That is mentioned under paragraph 1, where it is mentioned that "after considering the amount of sacrifices to be made by Auschwitz,

Professor Krauch gave the following instructions: " I am talking about instruction 1. Do you recall when that concentration camp was set up at Heydobreck?

A. It says here "KL camp." These camps were usually called "KZ camps." Perhaps this "KL Camp" meant "Prisoner of War camp". Generally only KZ camps were spoken of, not KL camps.

Q. Are you seriously suggesting that KL camps were generally known to you as prisoner-of-war camps or as concentration camps, Dr. Krauch?

A. I assume so from the sentence, because I know that concentration camps were generally called KZ camps in the German. I don't remember what prisoner-of-war camps were called, but these were prisoners of war. It says English prisoners of war at the top. They could not be sent to a concentration camp but to a prisoner-of-war camp, a KL camp.

Q. Do you know whether or not in fact concentration camp inmates were transferred from Auschwitz to Heydobreck?

A. Whether they were transferred to Heydobreck at the time, I do not know. During my visit to Heydobreck in the autumn of 1943 I did not see any concentration camp inmates in Heydobreck.

DR. BOETTCHER: Mr. President, there seems to be a discrepancy in the translation. The German text speaks about a KL camp, "KL lager," but in the English text the expression "large concentration camp" is used, which is not at all used in the German text.

MR. SPEICHER: Dr. Boettcher, can you tell us your view of what KL lager means?

DR. BOETTCHER: I am not on the witness stand.

MR. SPEICHER: We will stand by our position unless it is shown to be the contrary, and the Tribunal will have to — if necessary, we will have to get an expert in. We understand that "KLG" was used for "Kriegs," or war prisoner camp, where as "KL" stood for concentration camp.

Now, we will pass from that document.

In your direct examination on January 14th, you mentioned that you

took some steps to help concentration camp labor in an enterprise in Wuertemberg, where oil was extracted from oil shale. Could you tell us whether the enterprise to which you referred in your testimony was the "Deutsche Schieferoel, G.m.b.H." — the German Shale Oil Company — which is at Erzingen bei Balingen in Wuertemberg? Was that the plant?

A. No. This German Petroleum and Shale Company was the experimental station; it was only an experimental station, not a plant at all. The workers concerned here, these concentration camp inmates, were employed in the later installations of the plant itself, for which a special company had been formed. They were to be used in these plants, rather.

Q. You testified that you were of the opinion that this was really nothing of your business, but as a humanitarian matter, you became involved. Is it not true that you signed contracts with Oswald Pohl with respect to some of the SS projects in the oil shale field, where it was stated in the contract that concentration-camp labor would be used and that you were to see that the management technically was proper? Is that correct?

A. That is correct. Oswald Pohl wanted to establish a connection a company, between the Reich Office and the SS for the establishment of these plants, and I rejected this for reasons which have been elucidated sufficiently. I did agree that the experts who performed these experiments should grant their aid and assistance when these plants of the SS began to operate. Pohl requested — he did not demand, he asked — that these persons should enter the service of the SS, but I refused that as well.

Q. But you did sign contracts with him of the kind I suggested, is that correct?

THE PRESIDENT: He has answered that for you.

Q. Now I show you document VI 13517, which will be marked as Prosecution Exhibit 1846 for identification, and I refer you particularly to the attached contract. Is that typical of the type of contract which you entered into with Oswald Pohl, concerning this oil shale?

A. You ask whether this was typical of contracts which I concluded

with Oswald Pohl. I did not conclude any typical contracts with Oswald Pohl. I can give you an explanation of this letter. Oswald Pohl says: "Your letter of the first of September 1944 surprised me somewhat, because in essential points it did not correspond to the agreements which we reached during our conversation." It is true that it did not correspond to the agreements reached in our conversation, and I was able to point out to Pohl that a distortion had been made of what I had agreed to. And Pohl then said that this distortion which did not agree with my opinion had been carried out in his own office. Therefore he tore up this letter and the contract.

Q. The contract you have before you was torn up?

A. Yes, that's right. That's correct. And Pohl stuck to what I told him during our first conversation I have already told you that.

Q. If it was torn up, Dr. Krueh, why does your signature appear at the bottom, along with Pohl's signature? Why did you sign it if you were going to tear it up after while?

A. May I see that once more? I read only the first letter.

Q. Of course.

THE PRESIDENT: Mr. Prosecutor since the witness desires some time to look at the document, might we not recess now and take this up after the recess?

MR. SPEECHER: That is satisfactory.

THE PRESIDENT: We will rise at this time.

(A recess was taken.)

THE MAJESTY: The Tribunal is again in session.

BY MR. SPRECHER:

Q. Dr. Krauch, you had asked to see the agreement again. Is that the agreement you tore up?

A. It is not that agreement. This was the agreement as it was drawn up, which corresponded to how I thought the collaboration should be. May I ask to keep this document for one moment? I shall refer to it later.

The agreement states quite clearly how I imagined the later work to be handled. The German Petroleum Research Company.....

Q. Dr. Krauch, I am not asking you for a complete explanation of the document. As I suggested, I am merely asking you if this is the document which you tore up or not.

A. This document was not torn up because it was in accordance; but may I give a brief explanation?

MR. SPRECHER: Mr. President, I leave it up to you. I don't think it would be responsive.

THE PRESIDENT: Well, it is rather dangerous thing to hold a witness to a categorical answer if he says that that does not convey what he is trying to say. I think it only fair to the witness, within brief limitations, to permit him to make his explanation; and he may do so.

BY MR. SPRECHER:

Q. Proceed. The President has said you should proceed.

A. This agreement was distorted by the SS in their comments. There is a sentence here, according to which the Petroleum Research Company was to give technical aid and possibly permit their people to enter into the so-called Oil Shale Company. Pohl had requested at the time that people of the research company should be taken over en bloc, which I refused to do. He then asked, if any had the intention of joining whether I had any objections -- and I replied "I cannot prevent

it, but that man would leave my services." That was what they distorted and that was the matter which Pohl tore up. The agreement continued to exist.

Q. Then the agreement, insofar as it talks about the fact that your office had a common task with the SS in making ready the operation of this plant, remained in effect? Is that true?

THE PRESIDENT: Mr. Prosecutor, doesn't the agreement speak for itself?

MR. SPEICHER: I think so, Mr. President.

THE PRESIDENT: That, perhaps, is the answer to it.

BY MR. SPEICHER:

Q. Did you sign other contracts with Pohl?

A. No.

Q. This is the sole contract you signed with Pohl?

A. Yes.

Q. Now, a new subject. Within six months after the invasion of Poland, that is as early as February, 1940, were you not informed that the recruiting of Poles to work in Germany was behind schedule by several hundred thousands, that it appeared likely that there would be difficulties in recruitment in Poland, and that thereupon it would be unavoidable to give the occupation army authority and directive to cause, by force, the necessary number of workers to be transported to Germany -- February 1940?

A. At that period of time it was still my impression that recruiting of foreign workers was done on a voluntary basis, as was said in all press releases by the German Government in German papers.

Q. Now, Dr. Krauch, I won't ask you any further questions. I will show you the document immediately, Document NG-1408. I have ample copies in the German and the English.

THE PRESIDENT: To save time, Mr. Prosecutor, may that be marked as Prosecution's Exhibit 1847 for purposes of identification?

MR. SPRECHER: Yes, your Honor. Just a minute, I have some difficulties with the total mechanical problem here.

THE PRESIDENT: Yes.

MR. SPRECHER: I am sorry, I don't have English copies, your Honors; there has been some mistake, but there are plenty of German copies.

BY MR. SPRECHER:

Q. Well, Dr. Krauch, this is a letter which forwards the protocol of the sixth meeting of the Generalstaff, the General Advisory Council, of the Four-Year Plan, in March 1940, to certain people who participated in the General Advisory Council meeting of February 1940. And you will note that six of the state secretaries who were in various ministries subject to the Four-Year Plan are mentioned on the distribution list, among others Paul Kourner and all the top secretaries.

Now, although fifteen people are mentioned on the distribution list, only twelve participated in the actual meeting; among those twelve was Dr. Krauch, is that right?

THE PRESIDENT: If you are asking him as to the fact, that is proper; but if you are asking him what the document shows, it speaks for itself.

MR. SPRECHER: I am asking him if he now recalls that he was at that meeting on 3 February 1940.

THE PRESIDENT: He may answer.

BY MR. SPRECHER:

Q. Dr. Krauch?

A. Yes, that is true.

Q. Now, with respect to the speech which Minister Braks, the Minister of Agriculture, made, I would like to have you turn over to the heading, where it speaks about securing the next crop, on page 6 of the mimeograph which you have before you.

And then, did you notice that it states that it is very

doubtful if the 700,000 planned could be gotten by April 1st -- only 400,000 had been gotten by March 1st, probably would be gotten by March 1st, and therefore it is probable that the German Army would have to step in and bring these people forcibly from Poland?

Look at page 9, paragraph "b", if you are in any doubt. Do you recall Dr. Backe mentioning the fact on page 9, in paragraph "b"?

A. Yes. I do not remember that particular passage, but State Secretary Backe makes a suggestion here -- which does not mean by a long shot that it was actually carried out -- he says literally: "If, as it appears, there are difficulties in recruiting civilian Poles in the Government, General by the labor offices, it will not be possible to avoid giving authority to the occupation army to recruit the necessary workers for Germany by force."

Now, that is only a suggestion on the part of the State Secretary, which does not mean by a long shot that it was actually carried out.

Q. In the same year -- 1940 -- were you aware that many Polish laborers were being brought to work in chemical plants, for example, in Germany? That is to say, in industry as well as in agriculture?

A. That is quite true, but that was done long before the First World War. Each year hundreds of thousands -- I think 700,000 Polish workers came to Germany voluntarily to do what we call seasonal work in agriculture and industry.

Q. Well, after you heard Minister Backe state this in February, did you believe that by the end of the year 1940 these Polish workers were still coming voluntarily?

A. Yes, that was my belief.

Q. That meeting was under the chairmanship of Paul Koerner, who was Goering's first deputy in the administration of the Four-Year Plan, is that correct?

A. Koerner was first deputy in the administration of the Four-Year Plan. Goering, as long as I participated, never attended these meetings.

Q. Koerner usually supervised the General Advisory Council meetings (Generalrat meetings) of the Four-Year Plan, is that right, and not Goering?

A. That is what I wanted to say.

Q. Did you sometimes make inspections of chemical plants with Koerner?

A. Yes, I did.

Q. Did the Generalrat continue to sit up until the time the Central Planning Board was established, or did it sit later? The Generalrat of the Four-Year Plan.

A. Yes, the meetings of the General Advisory Council were discontinued later on.

Q. At the time of the Central Planning Board, about March or April of 1942?

A. Quite true.

Q. Before that time, the Generalrat contained the principal ministers, the principal state secretaries from the various ministries which fell within Goering's general jurisdiction as head of the Four-Year Plan, is that correct?

A. They weren't ministers. They were the Dienststellenleiter -- those in charge of the agencies of the Four-Year Plan.

Q. But many of them held their position -- in the Reich Ministry of Economics, like

A. Landfried.

Q. Landfried, yes, and in the Reich Ministry of Labor, like

Dr. Syrup. Is that right?

A. Yes.

Q. Just so we understand one another.

Now, did your office lay before Kehrl -- Kehrl became the head of the Planning Office of the Central Planning Board about September or October 1943, is that correct?

A. That's quite true.

Q. Did your office lay before Kehrl's office -- the Central Planning Office of the Central Planning Board -- proposals with respect to both labor and manpower supplies, as well as raw material supplies, so far as they affected the G. B. Chem. field?

A. The office would pass on such suggestions as came from the industry, giving their expert opinion, to the Armaments Planning Office (Kehrl) and that office would make the decision.

Q. But your office prepared studies for the Planning Office under Kehrl, is that right?

A. Yes, they gave their expert opinion.

Q. Now, in Exhibit 477, which is a letter from you to Kehrl -- that's NI-7569, Document Book 67, English page 27, German page 36 -- you will recall that Dr. Boettcher mentioned that letter to you in direct examination -- you asked Kehrl to give you further details if he should discover any misunderstandings or mistakes which had occurred in negotiations between the Armament Office and your office with respect to manpower allocation. Now, I ask you if Kehrl ever replied to your proposal by giving you any details which showed any conflicts that had arisen because of mistakes that your office had made?

A. Mr. Sprecher, may I ask you to show me the document once again? I don't know it by heart.

Q. If you will look at the last paragraph, please.

I repeat my question, Dr. Krauch. Did Kehrl ever respond to that?

A. I can't tell you whether he replied. I don't think so.

Q. Now, did Kehrl's office continue to give strong support at the Armament Office to the applications for manpower which were executed closely with the Planning Office, as you state in that same letter? Did Kehrl's office continue to give you support?

A. Yes.

Q. Did your office receive the general reports from the Planning Office of Kehrl concerning the final decisions which had been for all the main branches of German industry with respect to manpower and labor allocations and raw material allocations, as well?

A. No, we did not receive them. We received only those things which were our own concern.

Q. How does it happen that your office issued circulars to the G. B. Chem. plants with respect to general questions as to how labor was to be allocated and how the forms were to be made out, etc.?

A. That was done at the orders of the Ministry of Labor or the Plenipotentiary General for Labor.

Q. Didn't you use any initiative of your own in connection with improving the efficiency of the procedures that were then existing?

A. No. I took the initiative only to have the methods made more humane.

Q. When you made suggestions or recommendations, as you call them after 1941 or 1942, did you not feel that there was a relation between your suggestion or recommendation that a new project be approved and the fact that more foreign laborers would be drawn from their homelands into Germany?

A. It was not possible for me to exert any influence on the programs for the armament industry. They were not known to me. I knew only the sector which I was to deal with, and there the requirements for workers did not increase.

Q. How many foreign workers were employed in the G. B. Chem. plants in 1943 and 1944?

A. In 1943 and 1944 I am sure there were more than 100,000.

Q. I'm quite sure of that also. Were there not more than 200,000?

A. If you include the development of buildings, but there I couldn't give you the exact figures because those workers were under the building firms, not the plants proper.

Q. Can you tell us what the percentage of eastern workers as against western workers was in the G. B. Chem. plants under your jurisdiction in 1943, let's say?

A. As I see it, I'm sure that there were more eastern workers than western workers.

Q. Did you cause studies to be made where you saw what the relative percentage of western, eastern, concentration camp and prisoners-of-war labor was in the G. B. Chem. plants?

A. I didn't understand your question.

Q. Did you cause studies to be made so that you became aware of the percentage of the various types of foreign laborers which were employed in the G. B. Chem. plants?

A. Yes, I'm sure that was done.

Q. Now, you have testified that the Labor Offices of the G. B. Chem. in foreign countries assisted you in recruiting voluntary workers for G. B. Chem. plants. Dr. Kirsch, isn't it a fact that some of the very certificates which your representatives in foreign countries forwarded showed on their face whether or not the particular worker in question was voluntarily (allegedly voluntarily) or compulsorily recruited?

A. I'm sure that was quite generally established.

Q That was necessary because the treatment that the man would receive in the plant would be different, depending on whether he was voluntary or involuntary, or what was the reason for that?

A I don't think so. He simply had to be registered by the Labor Office in question. The Labor Office had a certain quota of workers. As the recruiting of voluntary workers was done without the Labor Office, the Labor Office had to know how large a percentage of the quota had come in as voluntary recruits, so that they need not supply any more workers.

Q But I am talking about the reports from your representatives in foreign countries to the G.B. Chem. Plant which state that in a certain shipment there are so many allegedly voluntary workers and so many involuntary workers which are coming for that plant.

A I am sure they did that. They said such and such firms have made such and such contracts.

Q Was it usual to refer to a special recruitment drive for foreign workers as the "Italian Action" or the "First Sauckel Action in France?" Do you remember that?

A I believed that the firms volunteered to offer workers from their own sector. It was scarcely necessary to put on a big propaganda campaign.

Q Well, to get down to specific cases -- did you expect that the "Sauckel Action" in France in 1942 would bring manpower relief for your mineral oil program?

A No, I thought that for the mineral oil program one could continue on a volunteer basis just as well as before.

Q Didn't your office receive reports that thousands of laborers in 1942 were being made available to your office for distribution to the mineral oil plants of the G.B. Chem?

A I think so.

Q Is it your contention that those were voluntary workers?

A They were workers who came under the labor conscription law passed by the French Vichy government. We had the same labor service

in Germany. Whether you follow such an obligation voluntarily or involuntarily is up to the conduct of the individual.

Q Well, the Frenchman didn't have very much opportunity, after the Vichy government passed this law, as to whether he came to the firm which brought him to Germany for you, or not, did he? He didn't have much choice after that law.

A Under that law it was not possible, either in Germany or in France, to choose one's place of work. That was not possible for a German worker either.

Q You mean the French workers were under the same compulsion to report to the Labor Office and be assigned, whether to Germany or whether to France. He had no more choice in the matter, is that right?

A That is correct.

Q Now, did these foreign firms which did recruiting for you and brought blocks of workers to Germany at your suggestion -- did these foreign firms inform you as to whether or not these people came to work for them because they were forced to work, or didn't they report to you about that?

A I think that the workers like to go to the foreign firms, because there they were given contracts, which they liked better than doing any compulsory work on the basis of the Vichy law or compulsory work in Germany.

Q In 1944, Dr. Krauch, when German officials were recruiting Italians forcibly in large number, were you aware that there was great resistance by the Italians to this recruitment and that the Italian police did not sufficiently insure the recruitment of these workers, so that a decision was made that thousands of German policemen be sent to Italy?

A I know that that was a suggestion on the part of the labor authorities down there.

Q Quite apart from who made the original suggestion, you were one of six persons who were present when it was agreed in Germany that

ten thousand German police officials were to be sent to Italy to guarantee the recruiting campaign in Italy, is that not correct?

A I was present at that meeting, without expressing my opinion or making any comment. As far as I know, not one of these ten thousand policemen was actually sent to Italy.

Q In connection with the early plans for employing Russian prisoners of war in the German armament industry, why did you consider that General Thomas, Chief of the Military Economic Armament Office of the High Command, was the right man for the further development of this idea with respect to employing Russian PW's? Why did you think that Thomas was the right man, as Kirschner said in the letter which you have already discussed before the Tribunal?

A I don't think that I named Thomas myself. I did not write the letter. Kirschner did. I described that at that time I was ill at home and heard of this affair and was interested in helping these people. That was my motive. To whom this was passed on or what happened afterwards was not of much interest to me at the time.

Q Well, did you tell Kirschner that you thought Thomas was the right man to participate in this suggestion which, as you say, you thought, was to help the Russian prisoners of war by working in the German armament industry?

Did you personally tell Kirschner that you thought General --

A I don't think I said so. I think Kirschner drew that conclusion.

Q Now, General Thomas died recently, so he can't come here. Is it not true that General Thomas was the highest officer of the High Command in affairs of military economy and was subordinate to no one other than Keitel?

A That is correct.

Q Dr. Krauch, you were aware, from the beginning, that foreign workers were to be used in the so-called PSV, that is the powder and explosives production program were you not?

A I knew that, yes.

Q And also prisoners of war? Is that correct?

A As far as PSV was concerned, I did not know. But it's entirely possible that that was done.

Q Just a moment. Dr. Krauch, we have marked as exhibits next for identification Prosecution Exhibits 1848, 1849, 1850, and 1851. These are all documents which were directed to concentration camps, and our staff has just drawn them from the file. I will ask you if you can find on them anything which would lead you to believe that K.L. does not stand for Konzentrationslager --concentration camp -- Mauthausen, Buchenwald, Auschwitz, Natzweiler, whatever the case may be. I think you can possibly tell by just looking at the headings which show the addresses.

A That might have been the customary term used by those people. All I can tell you is what sort of terms we used to use, and all I remember is that in the case of concentration camp inmates one spoke of concentration camps, K.Z. camps.

Q Well, suppose I show you a document where at Auschwitz, Farben people, I do not believe that any of them has anything to do with Farben, were talking about K.L., and see if that term wasn't also used there for concentration camps. That is NI 11132, which is in Document Book 73, page 80 of the English and page 145 of the German.

THE PRESIDENT: What is the exhibit number, if you have it?

MR. SPRECHER: 1440. Exhibit 1440.

BY MR. SPRECHER:

Q Dr. Hauptmann will show you the whole paragraph.

A That is correct. In the case of the Heydebreck document where reference is made to prisoners of war, I concluded that a camp would be established for that purpose which would be a prisoner of war camp. But if it says so here it's quite correct. I myself always spoke of K.Z. concentration camps.

MR. SPRECHER: No further cross-examination.

THE PRESIDENT: Now, Mr. Prosecutor, before you sit, you have, this morning, had marked for identification about ten documents. In order that we can look forward to the time when we can conclude the testimony of this witness, I'd like to inquire if it would be possible for you to indicate to counsel for the Defense at this time, if any, or if all, of these documents, marked for identification, you purpose to offer in evidence when they have been processed and are ready to be introduced. Can you answer that?

MR. SPRECHER: It would be a little difficult at the moment, because I am afraid I have distributed my files, but I think it's a very good suggestion for future practice, Mr. President, and with your consent we shall be glad to make such an indication when we identify documents hereafter.

THE PRESIDENT: That would indeed be very helpful, and perhaps over the noon recess, if you can get to it, it would be helpful if you could, when we reconvene, be in a position to advise the Tribunal and counsel for the Defense of your intention with respect to introducing these

documents which have only been marked for identification. If you will try to do that.

MR. SPRUCHER: Thank you.

THE PRESIDENT: Now, counsel for the Defense, the Tribunal would like to direct an observation or two to those of you who may have in mind the redirect examination of the defendant Krauch. We deem it proper to say to you that, as the Tribunal views the situation, there ought not to be, and is not, any occasion whatever to interrogate this witness about incidents or documents concerning which he has said he has no knowledge whatever. In other words, that is, within itself, a final answer to that inquiry so far as the Tribunal is concerned. If he said that some document did not come to his notice or that he does not know anything about it, there should be no occasion to inquire further with respect to that, and we shall accept the testimony as concluded along that line. Now, that does not restrict you about bringing out further details or about permitting the witness to make proper explanations about affirmative evidence that may have been deduced in the course of the Prosecution's cross-examination of the defendant. We mention that merely that you may restrict your redirect examination to those fields which the Tribunal feels would not only be helpful but within proper procedure. With those observations, we may say that the defendant Krauch is now with the Defense for redirect examination.

JUDGE MORRIS: May I make a further personal observation? I have seen occasions where cases have been tried with a number of attorneys where you reach redirect examination and there is an inclination on the part of those conducting redirect to repeat in substance, or ask questions which call for the repetition in substance, of testimony that has already been given by the witness. Now, there is no occasion for, and it is entirely improper, on

redirect examination to plow the same ground again. The purpose of redirect is to permit the witness to correct errors which he might have made under cross-examination and, to at least some limited extent, permit him to explain answers given on cross-examination which might be somewhat ambiguous and subject one construction or the other. But I hope that in this redirect and all redirect examinations that may follow throughout this trial, that Counsel will carefully avoid repetition, not only of exact testimony, but repetition of testimony in substance that has been given before, and I am fully in accord with everything that the President has just said.

THE PRESIDENT: Very well. The defendant Krauch is now available for redirect examination at the hands of counsel for the Defense.

REDIRECT EXAMINATION

BY DR. BOETTCHER (Counsel for the defendant Krauch):

Q. Dr. Krauch, Mr. Dubois, in ignorance of the real conditions in Germany, asked you whether you had published anything or made any speeches showing your disagreement with the National Socialist program regarding the Jews and the church. Let me ask you in this connection, what would have happened to you if you had done anything of the sort, as Mr. Dubois is inclined to think?

A. I think if I had made a speech on the church or the Jewish question, after the first two sentences I would have been dragged from the podium by the Gestapo officials who always attended such meetings, and I would have disappeared into a prison.

Q. Something else. Within the scope of defense statements, reference was made to the fact that you and the other defendants were exponents of big business and capital. Would you give us your comments, in a few words, concerning your own person — perhaps also concerning your colleagues.

A. I myself would not describe myself as a big businessman and capitalist. My fortune is a modest one. I own a house, a small farm, and I have I.G. stock to the amount of 150,000 marks—that is what I had. As my origin was a simple one I always regarded it as my duty to support my relatives, some of whom lived under very modest and needy circumstances, which took up a great deal of my income. My colleagues are, who are now sitting in this dock, are in very much the same position, insofar as they come from similar circles as I do.

MR. SPEECHER: Mr. President, I don't recall any questions by the Prosecution on cross-examination which went into this question of the big capitalists and so on. We have studiously avoided a number of issues in that connection underneath this indictment and underneath our proof, and I am certain that we didn't raise it in cross examination of all places. If I am mistaken I should be glad to hear from Dr. Boettcher.

THE PRESIDENT: Well, the question is answered and we would lose more time in searching the record and our memories as to the basis for the question than we would to let it go. In the event it might be justified I think you would concede if counsel should address a question to the discretion of the Tribunal to ask an omitted question. So after all maybe we will just save time by going along. You may proceed, Dr. Boettcher.

DR. DIX: Perhaps I can clarify this. I am the guilty party. But I was entirely misunderstood. I never meant to say that the defendants personally were big capitalists. If I used that term I merely wanted to describe I.G. Farben as a big capitalist organization. Perhaps the whole thing was a misunderstanding.

THE PRESIDENT: Very well.

DR. BOETTCHER: If the Tribunal please, I now come to a few questions concerning the new documents submitted by the Prosecution,

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and as the recess is about to be taken I would humbly ask the Tribunal's permission to be allowed to bring these questions into order, which also would surely help us to save time. If it would be agreeable to the Tribunal to have the recess now I should be most grateful.

THE PRESIDENT: That is a reasonable request. Counsel has not had too much opportunity to study the documents. The Tribunal will now rise until 1:30.

AFTERNOON SESSION

The hearing reconvened at 1330 hours on January 19, 1948.

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Mr. Prosecutor, have you anything to say?

MR. SPEECHER: Mr. President, pursuant to your direction, I'm now able to state for the record the following concerning the documents identified during the cross examination of the defendant Krauch this morning.

There were twelve documents identified and we desire, and hereby give notice to the Defense and the Tribunal, that we desire to offer the first eight in evidence, whereas the last four, which had to do with Konzentrationslager, KL, will remain identified only. If you want me to give

THE PRESIDENT: Now, I believe perhaps for the sake of a clear and a good record if you will enumerate those first that you will in due course expect to offer in evidence. Just the exhibit numbers will be sufficient, I think.

MR. SPEECHER: Exhibit 1840 through Exhibit 1847 will be offered as soon as the processing can be completed. Exhibit 1847 through Exhibit 1850 we do not plan to offer in evidence.

THE PRESIDENT: Thank you very much. Now, counsel for the Defense will understand that our purpose in that is to give you as much notice in advance and not to limit or abolish the rules with reference to exhibits or anything of that sort.

MR. SPEECHER: Mr. President, I made one mistake. I didn't realize that there was an extra exhibit. There are really thirteen as the Secretary just pointed out and the ...

THE PRESIDENT: Perhaps you had better repeat and state it again so that there will be no misunderstanding about it.

MR. SPEECHER: I have found out what my error was. It is correct that we had planned to offer Exhibits 1840 through 1847. We

We do not plan to offer Exhibits 1848 through 1851.

THE PRESIDENT: Thank you.

Dr. Hoffmann, did you start to address the Tribunal? We'll hear you now.

DR. HOFFMANN (Defense counsel for defendant Ambros): Mr. President, I ask that my client, Dr. Ambros, be excused from tomorrow morning for the remainder of the week from attending the sessions for preparation of his defense.

THE PRESIDENT: Is there any objection on the part of the co-defendants or prosecution to that request?

MR. SPEECHER: None from the prosecution.

THE PRESIDENT: I take it that the defendants will not object and that permission will be granted, Dr. Hoffmann, and your client may be excused.

Now, Dr. Boettcher, if you're ready you may proceed with your redirect examination.

CARL KRAUCH - Resumed

REDIRECT EXAMINATION - Continued.

BY DR. BOETTCHER (Defense Counsel for defendant Krauch):

Q. Dr. Krauch, I have two questions in regard to the documents submitted to you by the Prosecution as the numbers 1841 and following. They refer to the removal or dismantling of machinery from the Simon Pit. Tell me, did you have a legal expert in your office who was a department chief who advised you in international law questions?

A. No.

Q. Upon whose competency and upon whose information did you rely in such questions?

A. Upon the competency of the OKW, that is, people who directed the war, who had ordered this measure.

Q. Does this also apply to the exhibits of the Prosecution

regarding the evacuation of machinery?

A. Yes.

Q. The next questions that I have, refer to Exhibit 1845, about these -so-called transfer of prisoners of war from Auschwitz to Heydebreck. The first question in this connection: Do you know whether in Heydebreck a concentration camp was established?

A. I know nothing about it.

Q. Does your answer mean that such a concentration camp was not established or that you did not know about it?

A. My answer means that it was not established.

Q. Do you know where the prisoners of war mentioned in this document were working? Whether they were working in the production there or on a construction site?

A. These prisoners of war were working on a construction site.

Q. What was the purpose of this construction on which these prisoners of war worked?

A. As I explained this morning, the construction of the glycerine plant was very urgently demanded by the Armaments Ministry and all available manpower had to be used to expedite this construction so that other projects had to be deferred.

Q. That was not really my question. I wanted to know the product that was to be produced in this plant.

A. I gave you the name of the product. It was glycerine.

Q. Thank you.

The document mentions the expression "transfer". Can you circumscribe that a little better and give us a meaning?

A. The demand to expedite the glycerine plant construction came from the Armaments Ministry. The transfer of manpower was the affair of the Plenipotentiary General for Labor. He gave the directive that other constructions should make manpower available for this project because he had no other men. The Armaments Ministry

had to determine what projects were to come under this plan and what construction sites could be deferred. Then they gave us the products that were to receive priority. That was Buna and Diglycol. For that reason, the Plenipotentiary General for Labor gave the directive that these people were to be transferred to the new construction site.

Q. I wanted to know what the idea of transfer meant. I didn't want to know how it was brought about. I wanted to know what it meant. In order to explain this to you, I ask you this. Is this transfer something new with regard to the employment of prisoners of war?

A. Not at all. That had happened before.

Q. Could you order such a transfer?

A. No, I could not.

Q. Who did order it?

A. It was ordered by the authorities responsible for manpower commitment and that was, in this case, the Plenipotentiary General for Labor. He did this by way of the labor office concerned.

Q. Under paragraph 3 of this document, the expression Stalag is mentioned. What do you mean by that?

A. Stalag was the authority that had to deal with prisoners of war. Since we were here concerned with the erection of a prisoner of war camp, as I explained this morning, the Stalag had to see to it that this was established. Besides that, the Stalag had to supervise the commitment of the prisoners of war according to the regulations of the Geneva Convention and it was responsible to see that it was carried out.

Q. One further point is the letter of Pohl written to you on the 11th of September, 1944? Did the initiative for these negotiations originate with you?

A. It did not originate with me, but with Pohl.

Q. What was the purpose which Pohl wanted to pursue when approaching you?

A. He tried to build up an oil and gasoline production for the SS on their own and, for this reason, he had interested himself in the process that we had newly established and with this process he wanted to build up a large oil production in Wuerttemberg through the SS.

Q Did you try to do anything against these wishes of Pohl, to counteract these wishes?

A I met these desires of Pohl by rejecting to cooperate with the SS, contrary to what Pohl wanted.

Q And why was an agreement nevertheless concluded?

A Because Pohl met my conditions and because he only wanted to have one or two officials participate in the experiments and be advised by them on the technical end of things.

Q In the appendix to this letter, under paragraph 3, it is mentioned that the German Schiefer-oel, G.M.B.H. -- the Oil Shale Stock Company -- supported the management as far as possible and in particular they would make prisoners available for labor. Do you consider this to be an initiative on your own part to employ concentration camp inmates?

A No, I do not consider this an initiative.

Q Why not?

A Because the initiative emanated from the Deutsche Schiefer-oel, or from the SS.

DR. BOETTCHER: No further questions, Mr. President.

THE PRESIDENT: May I interrupt the proceedings for a moment to inquire of the Prosecution if it will be kind enough to give me the exhibit number that was assigned to the document that was handed us as NG-1409. I didn't get it this morning and I should like to keep my record straight.

MR. SPRECHER: Mr. President, NG-1408 was given the Prosecution Exhibit Number 1847 for identification.

THE PRESIDENT: Thank you.

DR. DIX: Professor --

THE PRESIDENT: Pardon me, Doctor Dix. Better state your name for the record. Otherwise, you will be anonymous.

DR. DIX: Forgive me, please. Rudolf Dix for Dr. Schmitz.

RECROSS EXAMINATION

BY DR. DIX:

Q Professor, a representative of the Prosecution put a question to you in connection with the annexation of Austria. I should like to ask you to this point, do you know of a plebescite in Austria between the first and second World War about the question of "anschluss" -- the annexation?

MR. SPRECHER: Offhand it seems to us that it is incompetent, but perhaps Dr. Dix, by a short remark, could indicate its relevance.

THE PRESIDENT: Dr. Dix, do you have anything to say in defense of your question?

DR. DIX: The question is relevant to prove common knowledge of the aggressive intention of Adolf Hitler and also to prove this common knowledge and the knowledge of the defendants. The Prosecution refers to events which took place during the time of the annexation of Austria in 1938. The so-called "invasion" of Austria. In order to investigate the relevance of this assertion of the Prosecution, it is essential to find out whether a preparedness of the Austrians was given to accept these measures of Adolf Hitler or whether they wanted to reject these measures and for that purpose it is essential to find out whether in former times already when the will of the Austrian people was able to assert itself without any coercion any plebescite about this question took place or not. For these considerations I consider the question as far as the subjective state of affairs is concerned -- therefore, I consider the question extremely relevant.

MR. SPRECHER: Mr. President, the question of Austria was only brought into the cross examination by one question of Mr. Dubois which was given after the defendant had been asked about the Party Program and Mr. Dubois asked simply if it was on a basis of the witness's agreement with point one of the Party Program, whether or not on that basis he thought Germany had a right to invade.

THE PRESIDENT: The question and objection involve a very narrow field. It is the view of the Tribunal the question propounded by the Prosecution does not open up any inquiry, or field of inquiry, with

reference to political affairs generally in Austria, but we regard the question as proper upon the theory that it may throw some light upon some of the previous interrogation of this witness as to his approval or disapproval of the Nazi program. Now, that far, and that alone, we think, might justify the question, and the objection will be overruled, but certainly Counsel does not construe this ruling into opening a line of inquiry into the political, so-called German-Austrian question.

MR. SPRECHER: Mr. President, perhaps I can save some time, then. The Prosecution stipulates that it is a matter of history that before Hitler came to power there was a plebescite in Austria in which there was an expression of opinion for a joinder of the two countries for certain purposes.

THE PRESIDENT: Well, that helps, and that stipulation or admission on the part of the Prosecution is properly in the record. Now, Dr. Dix, if you want to make an inquiry as to whether or not the defendant Krauch had this historical fact in mind in formulating the — his agreement or disagreement with the Nazi Program, I think that would be proper, but that ought to be the limit of the inquiry.

DR. DIX: But, Mr. President, it is impossible for me to ask Mr. Krauch whether he agreed with the Nazi Program. He denies that expressly.

THE PRESIDENT: Yes, so we understand. I think there were some things that he said about it that were alright — As I understood about the program, that was taken up point by point. I think it is proper if you want to ask him about any part of the Nazi Program that may have been asked, but his knowledge of this fact, which has been admitted by Counsel for the Prosecution, I think, that would be proper, but beyond that, I don't think the question is pertinent to any issue in this case.

DR. DIX: Mr. President, I shall then ask him that question, but before doing so, may I be permitted to ask him whether he remembers how the plebescite resulted — what was the result of the plebescite and also what ratio of people participated in casting their vote.

He said that his group dealt with the hiring of foreign workers on a voluntary basis. Guenther submits an excerpt from a contract between the firm Union Rheinische Braunkohlen Kraftstoff, A.G., Wesseling, Cologne, which I shall abbreviate by U.K. and the firm Leon Hacc in Brussels, as an example. Accordingly, the U.K. in Wesseling asks the firm in Wesseling to make machinery installations, in particular the transfer of pipelines and the installation of apparatus. The firm in Brussels undertook to put certain workers at their disposal. One chief installer, one ordinary installer, welders and auxiliary installers. The German firm, on the other hand, agreed to pay all wages to the foreign firms including a bonus and to house and feed the foreign workers. The weekly ration which is mentioned in the contract was one thousand grams as compared to the contemporary ration of one hundred grams; fat, three hundred fifty grams compared to forty grams of today. The affiant furthermore confirmed that Professor Krauch, moved by humane and material reasons, was opposed to the allocation of forced laborers. This basic attitude of Dr. opposing the allocation of forced workers and favoring the use of voluntary workers remained unchanged even at the time when the occupational powers under Sauckel's pressure requested the French government to issue a forced labor decree in France. In spite of that decree, Krauch continued to handle the so-called firm allocation and that, in spite of considerable opposition on the part of Sauckel. He said that the G.E. Chem had sent foreign workers back to their home countries under the pretext that they were ill when Sauckel tried to forbid voluntary workers to return to their home after their contracts expired. As Krauch Exhibit Number 58 I am offering the affidavit of Dr. Hans Tittus, Krauch Document 103. Dr. Tittus was active in the liaison office of G.E. Chem in Paris. It is important in that connection that he is opposed to Dr. Hanloser, who worked in the field of the so-called firm allocation and only dealt with the hiring of voluntary workers. He was incorporated in the Office of the General Plenipotentiary for Labor Education and was there in a position

of expert advisor of the G.B. Chem. The measures which he executed, according to his own statement, were not undertaken on behalf of the G.B. Chem. but in behalf of the B.B.A., allocation of labor, to whose orders he was bound. This fact proves that Professor Krauch and his associations could not obtain any decisive orders in the field of labor allocation. Furthermore Dr. Tittus states that the circular of the G.B. Chem. with respect to the return of French workers who violated their contract was not an order by the G.B. Chem., but an order by the G.B.A. for which Professor Krauch can not be held responsible. Furthermore Dr. Tittus confirms that this circular was practically without any success. In other words, on the basis of this action no French workers were forcibly returned to Germany. As Krauch Exhibit 51, I am now submitting an affidavit of Herr Alfred von Neufville, Krauch Document Number 95. Herr von Neufville was the G.B. Chem. representative in Brussels. He speaks about the social care for the voluntary Belgian workers in Germany and he confirms that those workers who were sent to Germany through the mediation of the firm allocation actually went to Germany voluntarily and that they were satisfied with that type of life and the care they received. The following documents show individual facts concerning the so-called voluntary firm allocation. They were taken from the files of a firm which is called Union Rheinische Braunkohlen Kraftstoff, A.G., or U.K. This firm was not an I.G. plant. It has to be pointed out that this material — this same material — could be used from the files of other firms at random. However the Defense has abstained from submitting any further material in order not to step on the same road which the Prosecution used to submit cumulative evidence, which is not necessary. I should like to call Krauch Document 65 a key affidavit. I am submitting this affidavit by a Dutch national, Berthold Suernandt, as Krauch Exhibit 52. Herr Suernandt was one of the voluntary Dutch workers working with the U.K. at Weesling near Cologne, and was employed as an interpreter for the voluntary foreign workers at Weesling many years throughout the war. He testifies that the workers

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of the firm ^Wational of Antwerp received their own food ration card, and in this way they were able to take large amounts of bread and other foodstuffs to their families to Belgium. The foreign workers, he said, repeatedly went to Belgium and Holland on leave as they were allowed to do on the basis of their contracts.

Dr. Troeltsch, the area plenipotentiary of the Gobechem Duesseldorf, made a very good impression and never made things difficult for those workers. Mr. Suermont, who was close to the Belgian resistance movement, finally testifies that the plant physicians were extremely amiable and that in this way they succeeded in bringing many people back into their own countries.

As Krauch Exhibit 53 I am submitting Krauch Document 500 which is correspondence between the Gobechem, Berlin, and the U.K. Wesseling on the one hand, and the U.K. Wesseling with the finance office of Bonn, on the other hand, as well as a file note of U.K. Wesseling with respect to the taxation of foreign montage firms in Germany. These documents are to prove that this firm allocation certainly did not represent a camouflage with respect to the voluntary aspect of the workers, but were recognized by all authorities in Germany as a genuine business-like activity of foreign firms.

As Krauch Exhibit 54 I am offering Document 501. We are here concerned with a protective letter of the Armament Inspector for U. K. Wesseling according to which the plants were saved from destruction at the end of the war. This protective letter originates on the basis of the initiative of the Gobechem. The document confirms Professor Krauch's personal attitude, which he also explained in his testimony on the witness stand, with respect to his opposition against Hitler's orders concerning the firm destruction. Even if this document actually should have been submitted at the end of the presentation of my documentary evidence, I still ask you to be able to present it now since it is in connection with U. K. Wesseling documents which I am now submitting.

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As Krauch Exhibit 53 I am submitting Krauch Document 4900 which is correspondence between the Gobechem, Berlin, and the U.K. Wesseling on the one hand, and the U.K. Wesseling with the finance office of Bonn, on the other hand, as well as a file note of U.K. Wesseling with respect to the taxation of foreign montage firms in Germany. These documents are to prove that this firm allocation certainly did not represent a camouflage with respect to the voluntary aspect of the workers, but were recognized by all authorities in Germany as a genuine business-like activity of foreign firms.

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THE PRESIDENT: Pardon me. I believe you omitted a number if we're following you. Your Document 502 should be your Exhibit 55 instead of 56.

DR. VON ROSPATT: 55, yes. 55.

THE PRESIDENT: Thank you.

DR. VON ROSPATT: We are now concerned with firm allocation contracts with Belgian firms and not with contracts gone into with French firms. This is merely an example which could be repeated at random but, in the interests of the avoidance of accumulation, I shall not do so. The Defense can assure you here that they could produce similar documents in the case of other countries such as France, Holland, Belgium, etc., and many hundreds of such documents.

As Krauch Exhibit 56, I am offering a letter by the Gobechem Berlin directed to U. K. Wesseling, Krauch Document #503. We consider this letter to be of importance because it shows that even the allocation of the voluntary foreign workers hired by the Gobechem had to be approved first by the Reich Ministry of Labor. This fact proves that the Gobechem in the field of labor allocation could not hire and use any labor on its own initiative.

As Krauch Exhibit 57, I am offering a letter by the Gobechem Berlin to U. K. Wesseling, Document Krauch #5-2. This document also concerns the allocation of foreign firms and it is typical of the Gobechem's attitude because all the plants are advised to bring about a situation of confidence between themselves and the foreign firm.

As Krauch Exhibit 58 I am offering a circular by Gobechem Duesseldorf, Krauch Document #505. It is shown by this document, as it was stated by Dr. Krauch and as it also becomes apparent from the documents presented by the Prosecution, that the individual status of the workers was up to the labor office alone and the Gobechem only mediated in the allocation of foreign firms whose workers still remained with their own firms.

As Krauch Exhibit 59 I am now submitting a letter of the Goebachem Berlin, directed to the U. K. Wesseling which is Krauch Document 506. This letter is significant with respect to the attitude of the Goebachem towards foreign workers. This document mentions that it was necessary, when preparing the food for the French workers, that this food should be adapted to French taste and that a separate kitchen should be placed at their disposal and that foreign workers, as a rule, would bring a cook with them. Furthermore, interpreters have to be made available. In the food ration of a Frenchman there must be half a liter to one liter of wine daily. In case the plants cannot make the necessary amounts of wine and tobacco available they should turn to the Goebachem for his support. Finally, the Goebachem, in this letter, recommends with respect to questions of holidays for French workers to be very helpful and assist them.

As Krauch Exhibit 500 we are offering a notice directed to the foreign workers, Document #507. This document too is significant with respect to the humane attitude of Professor Krauch. In this circular the plants are advised to help the foreign workers by giving them presents of foreign flags, symbols, pictures of the heads of the foreign states, presents of radios, books, papers, etc., and also to grant them the observation of national and church holidays. Housing too has to be in good condition. This circular places particular importance on the tasty preparation of food. Professor Krauch points out to the plant and camp leaders that in this case they are concerned with voluntary civilian workers.

As Krauch Exhibit 51, I am offering a further notice sheet issued by the Goebachem Berlin for foreign workers, as Krauch Document #508. Under paragraph 8, the Goebachem states that the Gestapo had, in one instance, asked to interfere in one plant. The Goebachem in that connection asks that in case there are any difficulties with respect to foreign

voluntary workers, his own plenipotentiaries should be consulted. It is significant for Krauch's courage that he should have opposed the Gestapo in this way in 1942 by way of a circular.

As Krauch Exhibit #62 I am submitting Krauch Document #509. This is a letter of thanks by Belgian, French and Italian workers, directed to the Chief of the Office for Foreign Workers. In this letter of thanks, 87 foreign workers are expressing their satisfaction with their treatment in Germany. In the same sense, this document contains signatures of various foreign firms.

As Krauch Exhibit #63 I am submitting Krauch Document #510. This is a circular of the Goebbeln Berlin with respect to firm allocations. It is typical with respect to the correctness of Goebbeln towards foreign firms that the Goebbeln, in this circular, asks German firms after Germany had been occupied by the Allied troops up to the Rhine, and after connection with all foreign firms had been discontinued, to stop contracts with the foreign firms and take action accordingly with the plenipotentiaries of the foreign firms.

The last seven documents in Document Book 3 and the first two documents in Document Book 4 I am offering as Krauch Documents #511 up to 519, as follows:

Document 511 will be Exhibit 64.

Document 512 will be Exhibit 65.

Document 513 will be Exhibit 66.

514 - 67.

515 - 68.

516 - 69.

Your Honor, the document 519 is in the Dutch language in its original. The translation has not yet been made, but will be offered by us later.

Document 517 will become Exhibit 70. Document 518 will become Exhibit 71.

Document 519 will become Exhibit 72. These documents contain excerpts from the correspondence of U. K. Wesseling with the individual foreign firms. Krauch's defense tries to show with these documents how the Goebels managed this voluntary allocation of foreign laborers in this correct and humane manner.

Krauch Exhibits 73 and 74 will be Documents Krauch 520 and 521. We are concerned with the letter by the Goebels Berlin to U. K. Wesseling with respect to the allocation of the French firm Jean Meier with 180 voluntary North Africans and it also deals with the voluntary allocation of the Dutch firm Does and their Dutch workers in Germany.

As Krauch Exhibit 75 I am offering Krauch Document 522. We are concerned with correspondence of U. K. Wesseling with a firm in Belgium. In that respect it is significant to note a letter of the Secretary of the Belgian firm directed to U. K. Wesseling. She asked U. K. in Wesseling whether her father could work in Germany since men over sixty years could not work in Belgium and thus could not continue to exist.

Further correspondence deals with endeavors of the German firm to remove vermin from the barracks. It becomes apparent from the file note under paragraph 7 of this document that the prolongation of the allocation contracts with these firms was carried out on an absolute voluntary basis and brought certain financial advantages for the foreigners with it.

The next four documents, numbers 523, 524, and 526, correspondence of U. K. Wesseling with a Belgian firm and a French firm and with the G. B. Chem. prove the indisputable social attitude of the U.K., which can be explained on the basis of G. B. Chem. directives. These documents will be submitted as follows: 523 will become Exhibit 76, 524 will become Exhibit 77, and Document 525 will become Exhibit 78; and 526 will be 79.

THE PRESIDENT: 525 will become Exhibit 78 and 526, Exhibit 79. Is that not correct?

DR. VON ROSPATT: I don't think so. That was Krauch Exhibit 576, again; 525 was Exhibit 77 — 75, I am sorry.

THE PRESIDENT: Our 525 is Exhibit 78. Let's go back a page and start — Let's start with 522, which we have as 75. Is that the way you have it?

DR. VON ROSPATT: 75, yes. 523 will be 76; 524 will be 77; 525 will be 78; 526 will be 79.

THE PRESIDENT: Now we are in agreement.

DR. VON ROSPATT: As Krauch Exhibit Number 80, I am offering Krauch Document 527, and as Krauch Exhibit 81, I am offering Krauch Document Number 528. This is a letter by the Gobechem, Berlin to the U.K. Wesseling and a file note of the U.K. Wesseling, from which we can see the considerable extent of the voluntary foreign workers sent to Germany by way of firm allocation.

As Krauch Exhibit 82, I am now offering Krauch Document 529. This document is a letter by the Gobechem, Berlin to the U.K. Wesseling,

from which it becomes apparent that the arrangement of voluntary workers in groups through the Gebochen was dependent upon the approval of the responsible labor offices. Significant in that connection is a directive by the Gebochen, according to which he requests the German firm, when stating wage conditions, to exhaust all possibilities provided by the regulation of the scale of wages.

As Krauch Exhibit 81 — I beg your pardon, it is Krauch Exhibit 83 — I am now offering Krauch Document Number 530. That is a letter by the Gebochen, Paris to the U.K. Wesseling, from which we can see that the foreign employees were to be treated in the same way as German employees with respect to compensation for damages resulting from air attacks.

As Krauch Exhibit 84, I am offering Krauch Document Number 531, which is a letter by the Gebochen, Brussels to the U. K. Wesseling, from which it becomes apparent that the foreign, Belgian workers, before their allocation in Germany, were examined medically.

As Krauch Exhibit Number 85, I am offering Krauch Document Number 532. It becomes apparent from this letter by the Gebochen, Paris to U.K. Wesseling that the foreign workers were paid their wages in their indigenous currency in their home country.

As Krauch Exhibit Number 86, I am offering Krauch Document Number 533, concerning the wages paid on the day after Whitsundtide to voluntary foreign workers.

The next three documents are to prove the social attitude of the I. G. in Ludwigshafen and Gebochen, Brussels, as well as that of the U.K. Wesseling, towards the foreign civilian workers. For that purpose, as Krauch Exhibit Number 87, 88, and 89, I am offering Krauch Documents Numbers 534, 535, and 536. As Krauch Exhibit Number 90, I am now offering Krauch Document Number 537. This is a letter by the German Revisions- und Treuhandgesellschaft to the U.K. Wesseling, from which we see that

That is important also. May I ask him, first of all:

Q Do you remember approximately to numbers in -- of people participating and also the results of this plebascite?

THE PRESIDENT: You may answer that, Doctor.

A I know that the Austrian people expressed their opinion with an overwhelming majority in favor of the annexation with Germany. I can not give the exact percentage.

Q Was the remembrance of this plebascite decisive for you in supporting your opinion that you too in your mind were in favor of an anschluss with Germany because it corresponded with the overwhelming majority of opinion of the Austrian and of the German people?

A Yes, that was my opinion.

THE PRESIDENT: I think, Doctor, that is the limit of what that inquiry ought to take.

DR. DIX: I did not intend to ask any further on this point.

Q When Mr. Dubois and also my colleague Boettcher asked you about the question as to why you had not expressed publicly either in a speech or in a pamphlet your support of the Jews -- why you had not expressed yourself in favor of the Jews, you answered both questions. Now I should like to add a third one to these two questions. Professor, what effect would it have had in your experience, in view of the attitude of the Nazi Government, if you or some other person was able to give such a speech or would have been able to publish such a pamphlet in your experience that you gathered during the Third Reich, would that have had a favorable effect upon the Jewish problem or would that have had an unfavorable effect upon the Jewish problem?

MR. SPRECHER: That is calling for a sheer speculation in view of the answer that the witness gave before.

THE PRESIDENT: I think that is right, and I don't think the Tribunal is in the dark as to what the defendant might or might not have had freedom to do in opposition to the Nazi Program. I don't think you need to that much time on that score. I think we understand that set-up pretty well.

DR. DIX: May I answer that very briefly? Mr. President, Mr. Dubois asked Mr. Krauch "Why did you not do this?" and then Mr. Krauch gave the reasons. Now I ask him a question, the answer of which might give a further reason in order to complement the question of Mr. Dubois and also my colleague, Dr. Boettcher, because my question seems to be justified I ask that you please take this consideration into account when you decide.

THE PRESIDENT: The witness has said that he did not make speeches or write articles. In fact, he said this: that if he had made a speech along that line about the end of the second sentence he would have been taken away by the Gestapo. Now, it is not — of no purpose to speculate what such a speech, a speech along that line, would have had, if he would have made it. He said he wouldn't have been permitted to make a speech along that line. Now, why speculate into fields of what effect such a speech would have made that he couldn't have possibly made? I think that is in the field of speculation purely. The objection is sustained.

DR. DIX: Mr. President, would you permit me to give one more reason. The witness said, "if I had wanted to deliver a speech, then probably a Gestapo official would have been present who would have prevented me from doing so." He is quite right. But it isn't certain that in all such meetings was such a Gestapo agent present. Only in most of them. Then it would have been possible that he might have delivered such a speech, although it is very improbable. Now, if Mr. Dubois asks him, "Well, why didn't you act in accordance with your conviction and take public steps?" then it is very much to the point to know all the reasons which might have motivated him and for that reason I kindly ask you reconsider the admissibility of this question once more.

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THE PRESIDENT: As we remember the witness's testimony it is far more favorable to you than as you remember. We understood him to say and I think I remember correctly — to say that meetings were attended by members of the Gestapo, so that if he undertook to make a speech of that kind, in the second sentence he would have been taken into custody and taken into jail. That is the way I remember it, and if that is true, that is certainly more favorable to you than your own statement. And why speculate on — why ask him to speculate on a speech that he wasn't permitted to make? Let's get on with this. I think that the evidence is more favorable to you than you have stated to the Tribunal.

DR. DIX: It would not be proper for me to express any other opinion. I accept your attitude, Mr. President. I do not wish to make any difficulties in this question. Therefore, I withdrew it.

THE PRESIDENT: Very well.

Any further interrogation of the witness by the Defense?

DR. VON NETZLER: Dr. von Netzler for the defendant Haefliger.

RECROSS EXAMINATION

BY DR. VON NETZLER:

Q. Dr. Krauch, I must ask you something in regard to the Norway question. In answer to a question of the Prosecutor whether the intervention of Farben in the Aluminum Program in Norway was a bitter pill for Farben, you said — you answered that in the affirmative. The state of affairs, however, seems to be a little vague to me. Why did Farben enter into the aluminum Program in Norway? Why was it called into this Program? In order to define it a little more, I shall ask you: When in the summer of 1940 Dr. Koppenberg drafted this Norway project, was Farben at that time participating in this plan in any form whatever?

A. In no form.

Q. It was true, then, that after the visit of the General Director Aubert, in the Autumn of 1940, Farben took up connection with the Norsk Hydro

upon their own request?

A. Yes, that is correct.

Q. After Farben had entered upon the relationship with Norsk Hydro, described by you in your direct examination and your cross examination, did they then in any form whatever participate in the Aluminum production of Nordag?

A. No.

Q. Then Farben was not participating financially?

A. No, it was not.

Q. Did Mr. Aubert have any Aufsichtsrat position in the Nordag?

A. No.

Q. Nordag's activity, then, consisted only in the participation in the contract with Norsk Hydro?

A. That is correct. Only Norsk Hydro.

Q. Norsk Hydro and Nordisk Løttnetall?

A. Yes.

Q. Thank you very much. Then I have one further question. During your cross examination you expressed your opinion about a Prosecution Document, Exhibit Number 1192, book 65, page 63 of the German, and at the moment I am sorry to say that I don't have the English page. This is the report about the 27th meeting of the Hotel Sub-Commission in Berlin, of the 16th of April 1940, where a lecture of Mayer-Kuester was given about the general situation. This document was put to you during cross-examination by the Prosecution. I should now like to ask you, during your activity did you have anything to do with Dr. Mayer-Kuester for political reasons? Were you ever approached about this personally?

A. Yes, I remember one case.

Q. Would you please describe this case to the Tribunal?

A. I believe Mayer-Kuester was a director. He was a very active member of the National Socialist workers Party, NSDAP.

Q. Yes.

A. One day he came to me and told me about P. -- and denounced a very able chemist whom I know personally and he wanted to tell me that this man was notoriously politically unreliable.

Q. Yes.

A. Therefore I asked Dr. Mayer-Kuester to leave my office.

Q. Do you want to say by that that he went outside of the scope of your acquaintance because of his political attitude?

A. Yes, I want to say by that.

Q. Do you want to say that he was a single case.

A. Yes, definitely.

Q. There is only one mistake in translation that was pointed out to me. My question to the defendant Krauch was, rather, one of the Farben members was a member of the Aufsichtsrat of Farben, but the interpreter said whether Mr. Axel Aubert was the member of the Farben, and I ask the Tribunal to take cognizance of this mistake in translation.

THE PRESIDENT: Is there to be any further interrogation of this witness by either the Prosecution or the Defense?

None being requested, the Tribunal will now excuse Dr. Krauch from the witness stand and he may return to his seat.

(Witness excused)

THE PRESIDENT: Now, Dr. Boettcher, I think we have before us now your Document Books Numbers I, II, IV, V, and VI; in sequence we do not have Number III.

DR. BOETTCHER: Mr. President, Captain Rice informed me that Volume III had also been distributed in the English translation, but perhaps I may suggest that I begin with Books I and II and in the meantime one of my colleagues will take care of the other volume.

THE PRESIDENT: Very well, that will be satisfactory.

MR. SPEECHER: Mr. President, the Prosecution had received Volume IV just before the weekend and we received this morning Volumes I and II in the English. I am just informed that V and VI have been delivered in

the Courtroom in the last few minutes. Unfortunately, there has not been a compliance with the 24 hour rule for certain reasons of the difficulties in the Defense Center, but under the circumstances the Prosecution does not intend to ask that the power of rights into that rule be enforced, particularly in view of the fact that we assume we would have a right to later object in case that were necessary. At the present time we have not been able to read those documents in advance, but we will be quite fresh, if we have our usual rule at our disposal, such as your Honors applied to the Prosecution before, well, we will --

THE PRESIDENT: Well, that ruling will apply throughout this trial. By that, I mean to say we will not hold the ruling of the objections of the Prosecution and Defense strictly to the general if objections have to be made at the time. But if good enough reason is shown later why objections should be made, we will entertain it. Now, in such ruling, we do not wish to establish any precedence, now as far as the future objections of counsel should be made, but only as a waiver that applies to these documents, only, and we understand that under the circumstances the Defense may proceed, and no precedent will be established as a long-view waiver of rights.

You may proceed, Dr. Baettcher.

DR. BOETTCHER: Your Honors, at the beginning of my presentation of evidence may I quite briefly give you the meaning of the compilation of documents which I chose? My presentation has been built up according to the manner in which my direct-examination of Professor Krauch was conducted. For every essential point about which I asked Dr. Krauch and about which he expressed his opinion, as far as possible, the testimony of a third party is given which is to corroborate Dr. Krauch's assertions. It is true that this has a certain cumulative effect, but it is an accumulation which has its value in the fact that it corroborates the testimony of the defendant from outside sources.

I shall now begin. The first document is an affidavit of the defendant himself. I refer to my statement at the beginning of my presentation of evidence. In compliance with the desire of the Tribunal this statement contains, for reasons of brevity, the personal career and the description of the interests of the Defendant Krauch until 1933. Without being required to read any part of this document, I ask that it be accepted as Krauch Exhibit No. 1.

THE PRESIDENT: Now, I'm not sure, Dr. Boettcher, whether or not, in the course of the cross-examination of any of the Prosecution's witnesses, you had any documents marked on behalf of the Defendant Krauch. I mention that because we want no confusion on numbers. I remember, for example, several on behalf of the Defendant Ambros. I mention it so that you can tell us whether or not you recall -- or maybe the Secretary can tell you whether or not any documents have been marked on behalf of Dr. Krauch.

THE SECRETARY GENERAL: No, Your Honor.

DR. BOETTCHER: No, I have not offered any exhibits for Dr. Krauch as yet.

THE PRESIDENT: Yes, very well then.

Judge Morris is asking me to inquire if you have had any marked for identification that were not introduced into evidence heretofore on behalf

of Dr. Krauch, so that we get the chronology started here right, and then it will take care of it. Are you sure that you have not?

DR. BOETTCHER: No, I haven't done that either, Mr. President.

THE PRESIDENT: Then, your Document No. 1, which is the affidavit on behalf of Dr. Krauch, will become your Exhibit Krauch No. 1.

DR. BOETTCHER: Yes, Mr. President.

THE PRESIDENT: Very well.

DR. BOETTCHER: The next documents in my book I, I may summarize. They are Krauch No. 18, 90, 92, and 91. I offer them to show that Krauch's occupation concerning the question of the synthetical production of gasoline was not undertaken under the aspect of aggressive war, but under the intention of satisfying the civilian necessities, and that this occupation was in force long before 1933, partly already from 1931 onward. After that I offer Krauch Document No. 18, as Krauch Exhibit No. 2; Krauch Document 90 as Krauch Exhibit No. 3; Krauch Document 92 as Krauch Exhibit No. 4; and Krauch Document No. 91 as Krauch Exhibit No. 5.

THE PRESIDENT: Very well.

DR. BOETTCHER: The next five documents I consolidate again under one aspect of my evidence. These are Krauch Documents No. 12, 55, 11, 24, and 25. They all refer to the characterization of Geheimrat Carl Bosch, the man with the predominant influence in Farben until his death in 1940, and they are intended to show the motives which moved Bosch when he suggested Krauch and when he persuaded him to work in the interest of economy and science as an expert in the fields that he knew so well. Krauch Document No. 12 I offer as Exhibit No. 6; Krauch Document No. 55 as Exhibit No. 7, Krauch Document No. 11 as Exhibit No. 8; Krauch Document No. 24 as Exhibit No. 9; and Krauch Document No. 25 as Exhibit No. 10.

THE PRESIDENT: Very well. Now, the same rule will apply in the case of the documents offered by defendants as we applied in the case of the Prosecution. Where a document is offered and nothing further is said it will be assumed and presumed that the document was admitted in evidence,

without a formal order on the part of the Tribunal.

DR. BOETTCHER: Document No. 51 I offer in connection with the foundation of the Vermittlungsstelle-IV. It is an affidavit of the then Secretary of Dr. Krauch, who experienced the foundation of the Vermittlungsstelle-IV in 1936 and who can trace its further development. I ask that this document be admitted as Exhibit No. 11. Krauch Document No. 15 describes the formulation of the mobilization plans, and it is intended to show that these plans were drafted at the request of official agencies of the Reich and not, as contended by the Prosecution, from the own initiative of industry or Farben. This document is offered as Exhibit No. 12. The Krauch Document No. 63 is an affidavit of Professor Krauch; as I gave notice in my personal examination of Dr. Krauch, it describes in writing, in order to expedite the trial, the organization of the Four-Year Plan, which is summarized only in a few words by Krauch. The organization itself, with its more than twenty agencies can be seen described in the affidavit itself. I ask that this document be admitted as Exhibit No. 13.

The following Document No. 87 refers also to statements of the Defendant Dr. Krauch, which he only touched upon during the direct-examination. It is an affidavit about his work in the Department Research and Development and about the numerical order of magnitude with which he had to work, in regard to the investment and to the savings of foreign currency. This document is offered as Exhibit No. 14.

Document No. 66 is offered under the aspect of Krauch's competency as Plenipotentiary for Special Questions of Chemical Production, and proper proof of the assertion that Dr. Krauch was a superior expert without any independent right to make decisions or to take initiative. This document is offered as Exhibit No. 15.

Krauch Document No. 67 is offered to disprove the Prosecution's assertion that the share of collaborators coming from Farben in the Reich Office for Economic Development and with the General Plenipotentiary for

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Chemistry amounted to 90%. I refer in this connection to Point No. 33 of the Indictment. The statement that Dr. Adolf Mueller is the person giving this affidavit shows that this share really, in 1939, amounted to 20.4%, and that in 1944 it amounted to 31.2%. I offer this document as Exhibit No. 16.

The next document, in the Index, Document No. 27, is an affidavit of Dr. ^JWalter Schieber. I shall not offer this since Dr. Schieber was examined as a witness.

Document No. 28 belongs into the proof for Krauch's competency as the provisional head of the Reich Office for Economic Development, and it shows the opinion that he was general expert, without the right to make decisions. It is offered as Exhibit No. 17.

Dr. No. 82 is to prove now Krauch was politically sound man. I ask that this document be admitted as Exhibit No. 18.

Document No. 14 is to show that Germany was inadequately prepared for war, by the testimony of an excellent expert, General Henrici. He describes the common knowledge to the effect that officers and other circles did not expect the waging of an aggressive war because of this inadequate armament. It is offered as Exhibit No. 19.

Document No. 73 confirms Krauch's testimony to the effect that he had undertaken certain acts which were not in agreement with the intention to participate in a war of aggression. The affidavit of Mr. Heinrich Schindler corroborates and confirms in this detail, with the aid of examples from the explosives field. It is offered as Exhibit No. 20.

The next document is No. 50, and it is offered to show that the stockpiling of Tetraethyl lead, which is described as incriminating by the Prosecution, does not permit the conclusion upon objectively that any war of aggression might have been expected. It is offered as Exhibit No. 21.

The next two documents—Nos. 40 and 32, I surprise. They are statements about the "Schnell plan" (the Rapid Plan,) and they describe the inadequate insignificance of the "Schnell Plan" for war of aggression, and they furthermore describe Krauch's competency for this rapid plan and give it its proper character.

Document No. 40 is offered as Exhibit No. 22; and Document No. 32 is offered as Exhibit No. 23.

That concludes the presentation of documents contained in Document Book I, and I now come to Document Book II.

The first document in this Volume II is Document No. 22, I shall not offer it since the person giving this affidavit, Dr. Walter Schieber, appeared as a witness before the Tribunal.

The next two documents—Nos. 34 and 36—belong to those acts of which Krauch asserts that they had nothing to do, and that they are not in conformity with the aggressive intentions with which he is charged.

Document No. 44 is offered as Exhibit No. 24, and Document No. 36 is offered as Exhibit No. 25.

The next document is No. 94, which is to prove the actual objective and subjective lack of aggressive war intentions. By reason of the statement of an excellent expert and inventor in the coal hydrogenation field, a collaborator and associate of Dr. Krauch, by the name of Dr. Pior. I offer this document as Exhibit No. 26.

The next three documents—Nos 23, 16, and 74—support Krauch's general assertion that he understood measures which would not at all be understandable if the aggressive war-like intentions, with which he is charged by the Prosecution, were correct.

Document No. 23 is offered as Exhibit No. 27; Document No. 16 is offered as Exhibit No. 28; and Document No. 74 is offered as Exhibit No. 29.

Document No. 97, which contains a description of the large hydrogenation plant in poolitz, in the journal of the Four-Year Plan, would not be understandable if the keeping secret of the alleged war of aggression had been carried out in the way in which the Prosecution wants it to be understood. I offer this document as Exhibit No. 30.

MR. SPEECHER: Mr. President, we rise solely because we're not entirely familiar with this document, but it does appear to be an affidavit of Dr. Boettcher himself, concerning the nature of a publication which I assume is available. If the publication is available and can be reproduced we would feel that we really ought to have the publication rather than the affidavit of Dr. Boettcher's about the publication.

THE PRESIDENT: The affidavit is very short. If you have the publication,

Dr. Boettcher, will you make it available to Mr. Sprecher for examination, and then he may determine whether or not he would ask that the record be burdened with the publication or he is content with the affidavit. Take it and examine it, and at some later time you can raise your questions about it, Mr. Sprecher, after you have examined it.

MR. SPEECHER: Thank you, Mr. President. I understand from Dr. Boettcher that he included not only his affidavit but some of the text of the document, which does not appear from the Index, and so I think, at least for present purposes, I have no objection.

THE PRESIDENT: Very well.

DR. BOETTCHER: The following document, No. 17, is not offered by me because the affiant, Erhard Milch, has appeared before this Tribunal as a witness.

The next document, No. 79, is to confirm Dr. Kneuch's statement about the events during the meeting of the Obersalzberg in May of 1944, in which Dr. Kneuch was, as is well known, reprimanded about the inadequate preparation for war.

The next document, Number 62-- Excuse me, I wanted to say that this Document 79 is Exhibit 31; that is Document No. 79.

The following document Number 62 is interesting as it is one of the examples for the military economic preparations for a defensive war and, as Dr. Krauch expressed himself on the witness stand, it really constitutes a copy of measures that were taken in the United States. The document further shows that no aggressive war intentions were prevalent at all, and the common knowledge is to that point. I offer it as Exhibit No. 32.

Document No. 60 refers back to the publication which Dr. Krauch quoted repeatedly during his personal examination which was circulating in Germany during 1935 and 1936 and which was published in Germany under the title "Economic Mobilization of the United States," by Gerhard von Minden. In order to expedite the proceeding and to avoid an over-burdening of the Translation Division, I only incorporated the index of this publication in my document book. It is complemented by Dr. Krauch's testimony itself. It is to show that the same preparations as they were undertaken in Germany for possible warlike attacks were also instituted in other countries, here, for instance, in the United States. I ask that this document be accepted as Exhibit No. 33.

The next document, Number 99, shows in detail and confirms Krauch's personal statement during his examination-in-chief that a number of foreign projects were initiated or effected by the Four Year Plan which were only to be understood under the aspect that people expected a long range peacetime development in the future. Dr. Krauch confined himself during his personal examination-in-chief to giving only the most fundamental points. The statement of the former expert for these questions in the Four Year Plan, Dr. Grawsch, brings a number of examples for this assertion. The document is offered as Exhibit No. 34.

Document No. 61 expresses an opinion about Krauch's attitude towards a gas war and it confirms his advice that a gas war should be avoided under all circumstances. I offer this document No. 61 as Exhibit No. 35.

Document No. 84 serves as a confirmation for Krauch's statement that he never expressed any political views, as he was charged by the Prosecution,

which are contained in the meeting of the Generalrat (General Council) of the 26th of April, 1939. The document then serves as an explanation, as a complement, for the exhibit of the Prosecution No. 455, English Book 20, on page 68. I offer it as Exhibit No. 36.

Document No. 76 belongs in the same category as the previous document. I offer it as Exhibit No. 37.

Document No. 86 confirms the political persecution, which Dr. Krauch asserted, by the carrying out of this house search that he described during his personal examination-in-chief. I offer it as Exhibit No. 38.

As far as disposition is concerned, these were the documents offered by me with regard to Count No. One of the indictment. The following documents refer to Count Two of the indictment. During the direct examination, Dr. Krauch said that he did not participate in acts which might be called plunder or spoliation in the occupied territories. He showed that he had undertaken acts which might be the exact opposite of what the Prosecution charges.

To show and to prove that assertion, I submit Documents 77, 4, 34, 48, 58. They are statements of those persons who can testify from their very own knowledge that Dr. Krauch prevented the plant dismantling of the Belgian, northern French, and Dutch nitrogen industry by his personal intervention.

Document No. 77 I offer as Exhibit No. 39; Document No. 4 as Exhibit No. 40. From the latter document I may be permitted to draw the attention of the Tribunal additionally to certain facts which Dr. Krauch, for reasons of personal reticence, did not mention during his direct examination. It is the aid granted to a number of Belgians who were threatened with death sentences and prison sentences because they had committed acts against the occupying power. By intervening himself, Dr. Krauch saved them from death and severe measures of the Gestapo. Dr. Ramschoid, the expert whom Dr. Krauch had made available in Belgium for these questions, describes this in great detail by giving the names in paragraph 5 of his affidavit.

Document No. 34 is offered as Exhibit No. 41. Document No. 48 is offered as Exhibit No. 42. And Document No. 58 is offered as Exhibit No. 43.

The following two documents--72 and 41--refer to the collaboration described during his personal examination, under the subject of the German Ford enterprise. They corroborate his own attitude in favor of those American interests and especially his intervention to the effect that the enterprise belonging to the Ford Company should not be incorporated in the Hermann Goering concern.

Document No. 72 is offered as Exhibit No. 44, and Document No. 41 is offered as Exhibit No. 45.

This concludes Book No. II.

THE PRESIDENT: Would this not be an appropriate time for our recess, Dr. Boettcher?

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: All right, Doctor.

DR. BOETTCHER: May I ask for your permission to allow my associate, Dr. Rospatt, to submit some of my documents, since we have undertaken a division of labor between us.

THE PRESIDENT: Very well.

BY DR. VON ROSPATT (For the defendant Krauch):

DR. VON ROSPATT: The next documents are presented in connection with Count III of the Indictment, the Slave Labor Program. The documents submitted in this connection can be found in Document Books 3, 4, and 5 and at the beginning of Document Book 6. They are to support the thesis made by Dr. Krauch that he, at all times, preferred voluntary workers to the so-called compulsory, or forced labor and in this connection he developed the so-called firm allocation on a volunteer basis and that even within the framework of his lacking authority he did not try to request foreign workers, prisoners of war, or concentration camp inmates. It was his desire, wherever possible, to work with German workers. But if he had to allocate another type of worker then he did that only on the basis of an order which he could not contradict. As Krauch Exhibit Number 46, I am offering Krauch Document Number 8. The affiant, Dr. Willi Handloser, was charged with arranging and carrying out of contracts of firm allocation in the western country. He confirms that it was Professor Krauch's idea to overcome the scarcity of skilled labor by the commitment of foreign firms. Dr. Handloser carried out this order on a pure basis of private enterprise by executing voluntary contracts for machinery installation. As Dr. Handloser testified he succeeded in connection with this firm allocation to bring a number of foreign skilled workers into Germany. Krauch Document 43 will not be submitted by me since the affiant, Dr. Schieber, has been heard on the witness stand. I shall now submit as Krauch Exhibit 47, Krauch Document Number 30. This is an affidavit by Dr. Ferdinand von Soiron. The affiant was an area plenipotentiary of the G.B. Chem. The position

of the area plenipotentiary itself has been treated in the affidavit of one of D. Krauch's associates, Exhibit Number 48. Within Herr von Solron's sphere were the hydrogenation plants of the Brabag and the Leuna Works of the I.G. Furthermore the Works Dye Stuff Plant Wolfen and Bayerische Stickstoffwerke Piesteritz. The affiant confirms that the G.B. Chem tried to grant higher wages to foreign workers in view of their position as was permissible according to the regulations. He said that the I.G. attached importance to see to it that local authorities showed him their work camps. He said that the location of these camps were favorable. All the plants of the foreigner camps of the I.G. Betterfeld had lawns, barber shops, nice dayrooms. They had Varieties in their own plants and all these endeavors were extremely favorable. The Germans were considerably excited about such projects since they themselves had no such advantages at their disposal. Through the expansion of the air raid shelters, through the support of the G.B. Chem., one would have achieved the same air raid protection for foreign workers as was granted to German workers. As Krauch Exhibit Number 48, I am submitting Krauch Document Number 98. This is the affidavit of Chief Engineer Wilhelm Quack. Quack was a departmental head in the Office for Economic Expansion. He states that the workers did not forcibly come from abroad, but that they were normally hired by foreign entrepreneurs. Professor Krauch had reminded him and his colleagues repeatedly to see to it that the housing and food conditions of the foreign workers have to be created in such a social and proper manner as was humanly possible. As Krauch Exhibit 49, I am offering Georg Guenther affidavit, Krauch Document Number 71. Guenther was the head of the firm allocation and he arranged foreign workers matters for the G.B. Chem.

the allocation of voluntary foreign workers by the Gebechen caused considerable expenses and that such expenses were transferred by the Gebechen to German firms.

As Krauch Exhibit Number 91, I am offering Krauch Document 538, from which follow that every change in the number of foreign workers was agreed upon by contract with the foreign firm.

As Krauch Exhibit 92, I am offering Krauch Document Number 539, from which we see that the accident insurance of the voluntary foreign workers was initiated by the Gebechen as a precaution.

As Krauch Exhibit 93, I am offering Krauch Document Number 540. From this letter by the Gebechen, Brussels it becomes definitely apparent how satisfied the Belgian workers were in Wesseling. Even their wives tried to work in Germany, particularly in Wesseling.

The other documents in Document Book IV, in order to abbreviate the presentation of documents, I will not comment upon. They all tend to prove the voluntary aspect and the fairness of the allocation of voluntary foreign workers in Germany.

I am now offering Krauch Document 541 as Exhibit 94, Number 542 as Exhibit 95, 543 as Exhibit 96, 544 as Exhibit 97, 545 as Exhibit 98, 546 as Exhibit 99, 547 as Exhibit 100, 548 as Exhibit 101, 549 as Exhibit 102, and, finally, 551 as Exhibit 103.

Even the first four documents of Document Book V tend to illustrate proof for the humane attitude of Dr. Krauch and of his plenipotentiaries regarding the allocation of voluntary foreign workers in Germany.

As Krauch Exhibit Number 104 I am offering Document 552. As Exhibit 105, Document 553 — I am now referring to Book V. I should like to repeat, Document 552 as Exhibit 105; Document 553 as 104 — Document 553 as 105; and Document 554 as Exhibit 106 and finally 555 as Exhibit 107.

THE PRESIDENT: 106. 554 will be Exhibit 106, Counsel.

DR. VON BOSCH: I am not quite sure, your Honor, I started Book V with Document 104.

THE PRESIDENT: Would you please, Counsel, to repeat -- Starting with Book V, your first document is 552, which has become your Exhibit 104. Following that is Document 553, which takes the number 105. And the last number you referred to was 554, which is your Exhibit 106.

DR. VON BOSCH: 6, yes. Well, now I offer Document 55, which will receive Exhibit Number 107. As Krauch Exhibit Number 108, I am offering Krauch Document 556. This document is a weekly food ration card for foreign civilian workers, dating back to the beginning of 1945, which issued to foreign civilian workers far more food rations than are today available to the German population. This document is to show that foreign civilian workers in Germany were not badly treated.

As Krauch Exhibit 109, I am offering Krauch Document Number 557. We are here concerned with a correspondence of French firms concerning the allocation of voluntary foreign workers in Auschwitz, Haydabrock, Upper Silesia, and Oderberg/Mark, near Berlin. These documents, which incidentally came into the Defense's possession are to show the high Tribunal that the system of voluntary allocation of foreign labor was not only confined to Western Germany, but that these workers also went to Germany's East, to Auschwitz, too, voluntarily.

In conclusion of Document Book V I am offering as Krauch Exhibit No. 110, Krauch Document No. 550. This document represents an excerpt from the "Die Hebe Zeitung," the American newspaper for the German population, dated the 3rd of November 1947. It becomes apparent from that excerpt that, as before, Germany recruited voluntary workers in France; how France is recruiting German workers in Germany.

MR. SPEECHER: Mr. President, without having read the entire document, the prosecution desires to object to this exhibit with all the force at our command. In the first place, this is a German newspaper of the year 1947, and on that basis the opinion is expressed therein -- or the news reports expressed therein-- are certainly not the best evidence; but that is a small ground for our objection. The argument of "tu quoque" (you also did this) does not apply. We're concerned here with respect to whether or not Germany and certain Germans who are defense counsel engaged in a criminal program during the occupation and before the unconditional surrender of Germany. We are not concerned here with whether one or any of the four powers, after the unconditional surrender of Germany, also recruited some Germans; and to go into those questions--and, as I say, particularly by means of a German newspaper of this kind--would indeed carry us into collateral issues.

THE PRESIDENT: We will hear what the Defense has to say with respect to this exhibit.

DR. von RESFATT: Your Honor, we think that this document, is important for the judgment of the question as to what was the character of the hiring of foreign workers into Germany, and that is illustrated by comparing it with the way France is hiring German workers from Germany. It is important in connection with whether or not anything punishable can be seen by the hiring of foreign foreign workers, specially since we are now still in a state of war.

MR. SPEECHER: Well, just one further thing. On the last point, Mr. President, there is a difference which we don't press too hard at this point; and the third argument is that the Prosecution would like to make is that there is a difference between a belligerent occupation while there are armies yet in the field which are trying to restore the status quo, and the difference between laws applying afterwards. However, we haven't attempted to press that third argument on the ground that the second is the most important, and that if we were to get into the "Pax quaque" (you also) problem here, particularly with respect to what happened subsequently to the period in question when these defendants are charged with crimes, we'd be going far afield and improperly going into a defense which does not exist.

THE PRESIDENT: This document clearly indicates that it relates to facts occurring since the time that is under inquiry as fixed in the Indictment. We think it would be opening a purely collateral field entirely outside the issues of this case to permit this document to be admitted into evidence. The document will retain its number—No. 110—for purposes of identification, and the objection to the introduction of the document will be, and is now, sustained.

DR. VON ROSPATT: Since a number of documents from the file of U.K. Wesseling have been submitted, which prove the social attitude of the Gebochen Camp, I am now submitting a number of documents which do not refer to the U.K. Wesseling, but on a very broad basis show the voluntary efforts and not officially ordered social care, as it was executed by Dr. Krauch. These documents are contained in Document Book VI, as Krauch Exhibit No. 112. I am offering Krauch Document No. 68, which is an affidavit by Dr. Wilhelm Tepe. Dr. Tepe was the social expert — social advisor — at Gebochen Camp with respect to foreign workers. From this affidavit—

THE PRESIDENT: Just a minute, please. I think you have now omitted a number; that should be No. 111--the last document.

DR. VON ROSPATT: No. 111.

THE PRESIDENT: Yes, thank you.

DR. VON ROSPATT: Document No. 68 will now receive No. 111.

THE PRESIDENT: Document 68 will have -- Oh, I'm sorry; you're right; you're correct.

DR. VON ROSPATT: It becomes apparent from this affidavit that the Gobenham Camp endeavored to care for orderly housing, nourishment, and clothing of the foreign workers although he was not responsible in that respect. Dr. Tape states that upon the instigation of Professor Krauch a care commission for foreign workers had been instituted, which visited the individual plants in order to examine conditions then and there. The care commission had a number of meetings where measures were discussed in order to safeguard proper care. Circulars with respect to care were issued and negotiations were carried on with the Reich Ministry of Nourishment, in order to achieve an improvement of the food for foreign workers.

With respect to nourishment the Gobenham Camps were extraordinarily successful, as Dr. Tape testifies. Furthermore, he succeeded in putting at the disposal of the foreign workers considerable amounts of shoes and clothing material. Altogether we are concerned with values running up to millions for the purposes of foreign workers. Dr. Krauch was at all times greatly interested in these questions, and on the occasion of his trips he convinced himself as to the condition of services to foreign workers.

As Krauch Exhibit No. 112 I am now offering Krauch Document No. 10, which is an affidavit by Dr. Albrecht Weiss. Dr. Weiss, up to 1945, was the head of the employees relation office of the I. G. Farben plant, Ludwigshafen. Repeatedly he had dealings with professor Krauch, especially since the latter was very much interested

in his work concerning social matters. Professor Krauch was particularly interested in the settlement problems of the plants, and he also asked about experiences concerning foreign workers and measures for their care. Professor Krauch, he said, attached great value to seeing that foreign workers received humane and proper treatment, and that they were properly housed, nourished, and cared for during their spare time. Dr. Weiss in conclusion remarks that among German industrialists within and outside the I.G. Farben he only knew very few who displayed so much positive understanding and so much initiative in the field of social care of employees as Dr. Krauch.

As Krauch Exhibit No. 113 I am offering Krauch Document No. 558. This is correspondence with respect to the activity of the care commission of the Gebecken Camp, which is to explain to the Tribunal the extent and the effects of this social institution.

THE PRESIDENT: Counsel, it is almost time to recess. We should like to take advantage of the chance that we have to say that this Tribunal is deeply appreciative and grateful to Drs. Boettcher and von Rossett for the very expeditious manner in which you have prepared your case. You have left nothing to be desired in the matter of conservation of time. My only regret is that more of your associates are not personally present to afford them an opportunity of seeing what an excellent job you have done. May I express the hope that they'll read the transcript and observe the manner in which you have presented the documents and also note the observations of the Tribunal in that regard.

The Tribunal is now in recess until 9:30 tomorrow morning.

Just a moment, please. Dr. Boettcher.

DR. BOETTCHER: Your Honor, I beg your pardon in keeping the Tribunal here. I think that it would be suitable to give you my program for tomorrow very briefly.

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DR. BOETTCHER: Your Honor, I beg your pardon in keeping the Tribunal here. I think that it would be suitable to give you my program for tomorrow very briefly.

THE PRESIDENT: Thank you.

DR. BOETTCHER: The last document books which I want to submit have not yet been fully translated. They cannot, therefore, be dealt with tomorrow. Still missing are Document Books VII, VIII, and IX. They will probably only be ready at the end of this week or at the beginning of next week. If it pleases the Tribunal I should like to suggest that my document presentation, after ten or twelve documents have been submitted, be interrupted, since we then start with a new chapter, and that I be permitted to submit the rest of the documents at a suitable period next week. I think that this procedure is necessary in order to enable Dr. Dix to continue with his presentation of evidence tomorrow.

THE PRESIDENT: Will you be ready, Dr. Dix, to start with the introduction of your evidence at the time when Dr. Boettcher is required to suspend?

DR. DIX: Your Honor, the witnesses whom I wish to call — two witnesses — are present in Mueraberg. I want to call and am in a position to call both of them — Schacht and the photographer Hollmann. Hollmann cannot come; so I shall dispense with him, and in the case of Schacht I shall submit substitute documentary evidence by submitting excerpts from previous statements by Schacht, made during the K.T. trial and the Flick trial. This will put me in a position to start tomorrow with the hearing of evidence.

THE PRESIDENT: Very well.

DR. BOETTCHER: Dr. Boettcher, Your Honor, may I discuss one more matter very briefly. The Tribunal expects tomorrow an utterance from the Defense with respect to a report by the Commissioner. For that purpose I have asked all gentlemen to attend a Defense meeting this afternoon. The report, however, is not as yet in my hands; we probably will not be able to define our attitude towards that report today and we will probably therefore not be able to give

any answer to the Tribunal tomorrow.

THE PRESIDENT: Can you indicate, Dr. Boettcher, at the earliest moment you think you'll be in position to present the views of the defense in that regard?

DR. BOETTCHER: Your Honor, I think that the Tribunal has misunderstood me. The report of the Commissioner is not yet before me.

THE PRESIDENT: Oh, I'm sorry about that; I did misunderstand you. The report was filed with the Secretary. Do you mean that you haven't a German copy or you do not have the English copy?

DR. BOETTCHER: I neither have the German translation or the English copy.

THE PRESIDENT: I wish you would check with the Secretary immediately after adjournment, and I'll do likewise to try to get that into your hands so that the matter will not be held up any further.

DR. BOETTCHER: Yes, Your Honor.

THE PRESIDENT: And we'll take notice of the situation in the morning and see what we can do about it. The first thing in the morning we'll call it up. Is there anything further?

DR. BOETTCHER: No, that's all, Your Honor.

THE PRESIDENT: The Tribunal will now rise until 9:30 tomorrow morning.

(The Tribunal adjourned at 1635 to resume at 0930 20 Jan. 1948).

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